

# OUTLINES OF LOCAL GOVERNMENT

INCLUDING THE  
EDUCATION ACT, 1918  
AND A CHAPTER ON  
SOCIAL SERVICE

BY

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LUNDIE SILVER MEDALIST FOR CITIZENSHIP, LECTURER I,  
IN THE UNIVERSITY OF LIVERPOOL, LECTURER IN PUBLIC ADMINISTRATION,  
LOCAL GOVERNMENT AND CITIZENSHIP FOR THE LIVERPOOL EDUCATION  
AUTHORITIES, LECTURER TO THE WORKERS' EDUCATIONAL ASSOCIATION AND  
CO-OPERATIVE UNION, TUTOR TO THE UNIVERSITY EXTENSION BOARD AND  
NATIONAL ASSOCIATION OF LOCAL GOVERNMENT OFFICERS

FOURTH EDITION  
*Revised and Enlarged*



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TO  
THE MEMORY OF  
MY FATHER  
WHO FIRST LED ME TO THAT PATH OF  
CITIZENSHIP  
WHICH I HAVE SINCE  
ENDEAVOURED TO TREAD



## PREFACE

### TO THE FOURTH EDITION

IN preparing the Fourth Edition, I have made, as far as limited space will allow, a complete revision in accordance with the legislation of 1919, and the chapter on the Unemployed Insurance Acts has been re-written. The chapters on the Overseer of the Poor and Local Finance Accounts and Audit have been revised and enlarged to meet the requirements of students of Public Administration and to comply with the syllabuses of the Institute of Municipal Treasurers and Accountants, the National Association of Local Government Officers and the Association of Rate Collectors and Assistant Overseers. The chapter on Scotland has been enlarged to meet the wishes of Scottish readers. A new chapter has been added on the Rent and Mortgage Interest (Restrictions) Act, 1920, and in response to numerous requests a few Hints to Members of Local Authorities have been included. Many students and readers throughout the country have asked for an Index, and this has now been prepared by Miss Marjorie Peacock of the Wallasey Public Libraries.

JOHN J. CLARKE

*The University of Liverpool,  
October, 1920*

## PREFACE TO THE SECOND EDITION

THE rapid exhaustion of the edition issued a few months ago has given the opportunity to revise the various chapters, and to include the proposals for a Ministry of Health, Ministry of Ways and Communications, and the Government Housing Bill. At the same time two new chapters dealing with the Education Act, 1918, and opportunities for Social Service have been added. The various proposals contained in the Maternity and Child Welfare Act, 1918, have been incorporated in the chapter on Public Health, and the chapter on Trade Boards has been divided, and the general provisions of the Corn Production Act, 1917, added. The Bibliography has also been enlarged.

I have received many suggestions from academic and other friends in this University and in different parts of the country. In addition to those specially referred to in the following page, I desire to express my indebtedness to Professor F. Hall, M.A., B.Com., Director of Studies, Co-operative Union; Mr. James G. Legge, B.A., Director of Education in Liverpool, and Mr. F. G. D'Aeth, M.A., Secretary of the Liverpool Council of Voluntary Aid. Mr. Arnold N. Shummin, M.A., of the University of Leeds, has made me valuable suggestions which have been introduced into this edition.

I trust that the new edition will prove even more acceptable to the increasing number of citizens who are considering the present problems of social reconstruction.

JOHN J. CLARKE

*The University of Liverpool,  
March, 1919*

## PREFACE TO THE THIRD EDITION

I HAVE availed myself of the opportunity which has presented itself by the call for a Third Edition to incorporate the suggestions which have reached me from my many academic, local government and other friends throughout the United Kingdom. I have also included as much as possible of the 1919 legislation, and in this connection desire to express my thanks to my friend, Mr. Arthur Collins, F.S.A., the City Treasurer of Birmingham, whose suggestions for this and the previous Edition have been very helpful.

JOHN J. CLARKE

*The University of Liverpool,  
December, 1919*

## AUTHOR'S NOTE

*The Outlines of English Local Government* was published by the North Western District of the Workers' Educational Association in July, 1916, and is now out of print. It has met with a gratifying reception, and the requests for copies received from officials of local authorities, students and teachers, as well as the general public in this country, the Colonies, India, and the United States, have encouraged the opinion that a further edition, revised and enlarged in book form, would prove acceptable.

This has been made possible by the practical co-operation of the publishers and my friend Mr E. A. Bryant, of the Liverpool Booksellers Co., Ltd.

No attempt has been made to incorporate the Emergency Legislation, except such as is considered of a permanent character. It is hoped that this edition will prove of value in the work of social reconstruction which lies ahead, that it will be of benefit to the general reader, to students of Local Government and Citizenship in connection with the classes conducted by the Workers' Educational Association, Adult Schools, Local Education Authorities, and to the University Schools of Social Science and kindred bodies.

While the text has been written as far as possible free from legal and technical phraseology in order to make it more acceptable to the general reader, it is believed it will prove of assistance to students preparing for the examinations of the Institute of Municipal Treasurers and Accountants, the National Association of Local Government Officers, the Poor-Law Examinations Board, the Union of Lancashire and Cheshire Institutes, and for the Diplomas in Social Science awarded by Universities and kindred bodies.

The writer is greatly indebted to his friends and former colleagues in the service of the Liverpool Corporation, Captain A. D. Harper, O.B.E., and Mr P. Taggart, A.S.A.A., for their assistance in preparation for the Press, to Mr J. E. Pratt, A.C.I.S., for a complete revision of the Bibliography, and to fellow-members of the Citizenship Students Association and the Deechcroft Settlement for various suggestions which have been incorporated in the text.

JOHN J. CLARKE

*The University of Liverpool,  
April, 1918*





# CONTENTS

Preface	PAGE
Author's Note	V, VI
	VII

## SECTION I

### CENTRAL AND LOCAL AUTHORITIES, Etc

I	Functions and Principles of Local Government	11
II	Central Departments of the State	14
III	The Voter and Local Government	19
IV	The Parish	23
V	The District	26
VI	The Borough	29
VII	The Justice of the Peace	34
VIII	The County	36
IX	The Overseer of the Poor	39
X	Local Finance—Accounts and Audit	45

## SECTION II

### LOCAL AUTHORITIES IN RELATION TO PUBLIC HEALTH, PUBLIC UNDERTAKINGS AND PUBLIC PROTECTION

XI	Public Health	50
XII	Highways, Streets, and Bridges	55
XIII	Housing	57
XIV	Town Planning	62
XV	The Adoptive Acts (including Small Holdings and Allotment Acts)	64
XVI	Municipal Trading	66
XVII	Police	68

## SECTION III

### LOCAL AUTHORITIES IN RELATION TO EDUCATION AND MORAL IMPROVEMENT

XVIII	Education—	
	Part I—Education Act, 1902	71
	“ II—Legislation since 1902	73
	“ III—Education Act, 1918	75
XIX	Children Act, 1908	82
XX	Mental Deficiency—	
	Part I—Lunacy Acts, 1890 to 1911	85
	“ II—Mental Deficiency Act, 1913	86

# CONTENTS

## SECTION IV

### LOCAL AUTHORITIES IN RELATION TO PUBLIC ASSISTANCE

	PAGE
XXI Public Assistance—	
Part I —Poor Law	89
" II —Proposals for Reform of the Poor Laws	91

## SECTION V

### LOCAL AND OTHER AUTHORITIES IN RELATION TO THE RELIEF AND PREVENTION OF POVERTY

XXII Unemployed Workmen Act, 1905	93
XXIII Old Age Pensions Acts, 1908 to 1920	95
XXIV Employment Exchanges (Labour Exchanges Act, 1909)	98
XXV Trade Boards—	
Part I —Trade Boards Acts, 1909 to 1918	100
" II —Corn Production Act, 1917	102
XXVI National Insurance (Health) Acts, 1911 to 1920	104
XXVII The Unemployment Insurance Acts, 1911 to 1920	109

## SECTION VI

### SPECIAL LEGISLATION

XXVIII London	113
XXIX Scotland	117
XXX Ireland	119
XXXI Social Service, War Charities and Pensions	122
XXXII, The Rent and Mortgage Interest (Restrictions) Act, 1920	
Hints to Members of Local Authorities	126
BIBLIOGRAPHY	131
INDEX	113

# OUTLINES OF LOCAL GOVERNMENT

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## I

### FUNCTIONS AND PRINCIPLES

1 LOCAL GOVERNMENT is that part of the government of a nation or state which deals mainly with such matters as concern the inhabitants of a particular district or place, and which it is thought desirable should be administered by local authorities, subordinate to the central government

• The Local bodies so charged with the administration of these functions are, in the main, elective, and are referred to hereafter as Local Authorities

#### 2 FUNCTIONS—

- (1) Maintenance of a local legislature, and system of rating
- (2) Care of certain classes of the community
- (3) Provision of arrangements for public safety
- (4) Maintenance of works of public convenience and utility
- (5) Establishment of institutions for the betterment of the community, and for the development of character
- (6) Management of quasi-commercial undertakings
- (7) Establishment of schemes for social experiments
- (8) Control of certain functions of a national character, including pensions, food, and fuel

The experience gained in local government work is applied to national government

#### 3 PRINCIPLES—

- (1) There is no strict line of demarcation between central and local government, the limitations of each being effected by compromise

The exact relations between central and local government are often in conflict between the out-and-out "local self-government" school and the "centralizers," the latter wishing to smooth out local inequalities by bureaucratic control and an extension of local taxation grants centrally administered

(2) Local Government is co-ordinated and centralized by—

(a) All local government powers are delegated by the legislature to the local authorities

(b) Interpretation by the High Court judicature of the intentions of the legislature

(c) Control by the Central Departments of the State, as shown in Chapter II

(3) Central control is exercised by means of—

(a) Inspections of Police and their Establishments

(b) Inquiries relating to Borrowing, Alteration of Boundaries, Complaints of Administration

(c) Statistics—Financial, Sanitary, Poor Law, Education, Judicial, Mental Deficiency, Births, Deaths, and Marriages

(d) Audits of Accounts of certain authorities by District Auditors of the Ministry of Health

(e) Prescription of duties and their enforcement

(f) Advice is given by the Departments, respecting new powers and duties, by means of circulars

(g) Provisional Orders are issued under enactments

(h) Local Taxation Grants provide for a minimum of service

(i) Appointments—Approval of appointments (e.g., Officers of Boards of Guardians), and, in certain instances, consent to dismissals

(j) By-laws subject to approval of the Secretary of State or Ministry of Health

(4) Restriction by the legislature of duties to certain authorities

(5) Limitation of the powers of rating and borrowing

(6) LOCAL AUTHORITY, as defined by the Local Government Emergency Provisions Act, 1916, means any person or body of persons who receive or expend the proceeds of any local rate and any other public body which the Ministry of Health may determine to be a local authority, but overseers of the poor shall not be included except by direction of that Ministry. Provided that where any such authority is a police authority it shall not, as such, be deemed, for the purposes of this Act, to be a local authority

Each Local Authority, with the exception of the County Council (and County Borough Council), administers, broadly speaking, a unit forming a component part of another authority's area. These authorities are principally—

(a) Parish Meeting or Parish Council

(b) Urban or Rural District Council

(c) Borough Council

(d) County Council

- (e) Board of Guardians
- (f) Burial Boards and Joint Boards
- (g) Overseers of the Poor
- (h) Justices of the Peace have, in addition to their judicial

functions, certain duties appertaining to Local Government which are referred to in Chapter VII

(7) Control exercised over any local authority, either by the central authorities or by some other local authority, is in inverse ratio to the powers given

(8) Limitations as to expenditure by local authorities are relaxed, particularly in matters of social betterment

(9) Protection is afforded to the citizen from autocratic authority, and the official is safeguarded in the discharge of his duties

(10) By the Local Authorities (Admission of the Press to Meetings) Act, 1908, representatives of the Press have a right to be present at the meetings of every local authority, unless they are temporarily excluded by resolution of such authority

(11) Variety in Local Government, enables the local community to shape its affairs by undertaking experiments which may afterwards be adopted by the central authority

(12) The Principle of Proportional Representation on the system of the Single Transferable Vote has been introduced for the election of all local authorities in Ireland. It is used for the County Education Authorities in Scotland, and will no doubt be extended further in the United Kingdom

(13) Committees are becoming increasingly important, and committee work constitutes the larger part of the duty of the local legislators. Certain Committees are statutory, *e.g.*, the Finance Committee of the County Council. Other committees are Joint Committees, *e.g.*, a Joint Hospital Committee

(14) There is a growing tendency towards Federation of Committees as is outlined in the Education Act, 1918, and in the direction of co-optation, *e.g.*, the Housing Committee under the Housing and Town Planning, etc., Act, 1919. The principle of co-optation seems to be influenced by the desire to secure services from two sources which may or may not be already represented by elected persons, viz (1) the expert and the vocational interest, as in the case of teachers on Education Committees, and (2) the consuming interest of persons directly affected as in the case of Food Control Committees

(15) Women in Local Government. The work described in the following pages is available for women as well as men, and the present time affords women a very good opportunity to take an active part in the work of local government administration. In certain districts this has been done

## II

### CENTRAL DEPARTMENTS OF THE STATE

THE following are the principal Departments controlling local government

1 THE PRIVY COUNCIL is a body of nominated persons whose names are approved by the sovereign. It has played a most important part in the administrative development of local government. It recommends the Crown to grant Charters of Incorporation for the creation of new Boroughs. Orders in Council make provision for bringing into operation many new statutes. In 1915 there was established a Committee for the Organization and Development of Scientific and Industrial Research.

2 MINISTRY OF HEALTH was established by the Ministry of Health Act, 1919, the object of which was to consolidate in one department and under one Minister—

(a) All the powers and duties of the Local Government Board

(b) All the powers and duties of the Insurance Commissioners and the Welsh Insurance Commissioners

(c) All the powers of the Board of Education with respect to attending to the health of expectant and nursing mothers, and of children who have not attained the age of five years and are not in attendance at schools recognized by the Board of Education. The medical inspection and treatment of children and young persons

(d) All the powers of the Privy Council and the Lord President of the Council under the Midwives Acts, 1902 and 1918

(e) Such powers of supervising the administration of Part I of the Children Act, 1908 (which relates to infant life protection), as have heretofore been exercised by the Secretary of State

The Act also contains powers to bring, at a later date, under the control of the new department—

(a) the care of sick soldiers (now possessed by the Ministry of Pensions), and

(b) the control of lunacy and mental deficiency,

(c) any powers and duties of any Government Department which appear to relate to matters affecting or incidental to the health of the people. By Orders in Council dated July, 1920, provision was made for the transfer of certain gas powers from the Ministry of Health to the Board of Trade, and for the transfer of all the powers and duties of the Board of Trade under the Gas and Water Works Facilities Act, 1870, and the

amending Act of 1873, in relation to water undertakings in England and Wales to the Ministry of Health

Four Consultative Councils were established on 14th July, 1919. These Councils are, respectively, to give advice and assistance on—

- (1) Medical and allied services,
- (2) National Health Insurance,
- (3) Local health administration,
- (4) General health questions

3 THE PUBLIC WORKS LOAN BOARD was created in 1817 for the purpose of advancing money to local authorities for public works. It lends also to "public utility societies" and to individual landlords for permanent improvement to estates. Loans are repaid usually on the annuity system of principal and interest, over periods varying from twenty to eighty years.

4 THE GENERAL REGISTER OFFICE is responsible for the registration of births, deaths and marriages in England and Wales, and the preparation of vital statistics. Each Poor Law Union is divided into districts, each with a Registrar appointed by the Board of Guardians. Over these Registrars is a Superintendent Registrar (who is usually the Clerk to the Guardians) for the whole Union. It is the duty of the Superintendent Registrar to verify all entries of births, deaths and marriages, and forward them quarterly to the Registrar-General. The Office is also responsible for the work of the Census.

5 BOARD OF EDUCATION was established in its present form in 1899. It is responsible for elementary, secondary, technological, higher and university education and trusts, including medical inspection of school children. (See Ministry of Health.)

6 BOARD OF TRADE is the oldest of the Committees of the Privy Council. It was first established in 1622. The present Department owes its origin to an Order in Council of 1786. It has been reconstituted from time to time, and in 1918 was divided into two main divisions, viz—

(1) The Department of Commerce and Industry which is concerned mainly with development of trade, is divided into the departments of Commercial Relations and Treaties, Overseas Trade (Development and Intelligence), Industries and Manufactures, Standards, Industrial Property, Power, Transport and Economics, Statistics.

(2) The Department of Public Services Administration is primarily engaged in statutory and administrative functions of a permanent nature which is performed by the Marine, Pilotage, Companies Bankruptcy, and certain temporary Departments.



The Mining Industry Act, 1920, established a Mines Department of the Board of Trade in charge of a Secretary for Mines subject to the directions of the Board of Trade

7 **MINISTRY OF AGRICULTURE AND FISHERIES** The Board of Agriculture was established in 1889 Its powers were extended in 1903, when it became known as the Board of Agriculture and Fisheries By the Ministry of Agriculture and Fisheries Act, 1919, a Ministry was substituted for the Board In December, 1919, the Ministry was re-organized The work of the Ministry is divided into five divisions, viz (1) Intelligence, (2) Land and Supplies (3) Finance and Economics, (4) Fisheries (5) Welsh Division

Part II of the Act of 1919 has introduced important alterations in the working constitution of the Ministry For the purpose of assisting the Ministry in executing their powers and duties, the Act established a Council of Agriculture for England, a similar Council for Wales, and an Agricultural Advisory Committee for England and Wales

Part III of the Act deals with the establishment of County Agricultural Committees The appointment of such committees is compulsory on every County Council (other than the London County Council), but is optional in the case of county boroughs and the London County Council Considerable powers are delegated to these committees with respect to agriculture, and it is also provided that agricultural education may be referred to them

8 **HOME OFFICE** was created in 1782 The Home Secretary's duties relating to Local Government include—

(1) Preservation of the King's Peace through magistrates and police

(2) Relations with other subjects in approval of by-laws, other than those relating to nuisances, certificates of naturalization, prevention of cruelty to children and animals

(3) Inspection of institutions, including prisons, reformatory and industrial schools

(4) Protection of citizens, by administration of Factories and Workshops Acts and Mines Regulation Acts

9 **POST OFFICE**, besides its ordinary business, collects certain local taxation licences for the County Councils and County Borough Councils, and sells National Insurance Stamps on behalf of the Ministry of Health and the Ministry of Labour It pays also Old Age Pensions, Army and Navy Separation Allowances and Pensions, and sells National Savings Stamps and Certificates.

10 **CHARITY COMMISSIONERS** Established in 1874 "for the better administration of Charitable Trusts in England and

Wales " In 1879 the powers previously exercised by the Endowed Schools Commissioners were permanently transferred. By Orders in Council the powers of the Commissioners over all endowments for purely Educational purposes were transferred in 1899 to the Board of Education. Their work has been brought into close relations with the local authorities under the War Charities Act, 1916.

11 THE ROAD BOARD was established by the Development and Road Improvement Funds Acts, 1909 and 1910, for the purpose of improving the facilities for road traffic in the United Kingdom and for the administration of the Road Improvement Grant (See Ministry of Transport)

12 THE DEVELOPMENT COMMISSION was established by these above-mentioned Acts to advise the Treasury in the administration of a national fund for the development of agriculture, fisheries, and other analogous economic resources of the United Kingdom.

13 THE BOARD OF CONTROL was created by the Mental Deficiency Act, 1913, for the purpose of administering the Acts relating to lunatics and mental defectives.

14 THE CENTRAL CONTROL BOARD (LIQUOR TRAFFIC) was constituted by Act of Parliament in 1915. The Board was established primarily as a war measure, but it is believed that its operations may become permanent.

15 MINISTRY OF MUNITIONS OF WAR was created in 1915 by the Ministry of War Act with a view to obtaining a greater output in the production of munitions. It has established an extensive system of Welfare Work, which will no doubt now form a permanent feature of our social system.

16 MINISTRY OF PENSIONS was created by the Ministry of Pensions Act, 1916, to unify the administration of such pensions, grants and allowances relating to the army and naval pensions, other than service pensions.

17 MINISTRY OF LABOUR was established in January, 1917, by the New Ministries and Secretaries Act, 1916. There has been transferred to this Department the powers and duties of the Board of Trade under the Conciliation Act, 1896, Labour Exchanges Act, 1909, Trade Boards Act, 1909 and 1918, National Insurance (Unemployment) Acts, 1911 to 1920, and Part I of the Ministry of War Act, 1915.

18 THE MINISTRY OF TRANSPORT ACT, 1919, established a Minister of Transport for improving the means of, and the facilities for, locomotion and transport. The Act provides for

the transfer to the Minister, as from such date or dates as His Majesty in Council may by Order determine, all powers and duties of any Government Department in relation to (a) railways, (b) light railways, (c) tramways, (d) canals, waterways and inland navigations, (e) roads, bridges and ferries, and vehicles and traffic thereon, (f) harbours, docks and piers, including any powers and duties of any Government Department in relation to any railway, light railway, tramway, canal, inland navigation, harbour, dock, pier, or other undertaking concerned with any of the matters aforesaid, and any powers of any Government department with respect to the appointment of members or the procedure of any commissioners, conservancy board or other body having jurisdiction with respect to any matters as aforesaid. It shall be lawful for the Minister to establish, and either by himself or through any other persons to work, transport services by land or water. For the purpose of giving advice and assistance to the Minister, advisory panels including representatives of local authorities shall be set up and a Rates Advisory Committee.

Work formerly performed by the Joint Roads Committee relating to public highways has been transferred as from 31st March, 1920, to the Roads Department. The Electricity (Supply) Act, 1919, provides for the Ministry of Transport to set up Electricity Commissioners and to enable these commissioners in certain circumstances to group areas and to establish joint electricity commissioners. The Ferries Act, 1919, has made provision for the establishment by local authorities of ferries, the tolls for which are subject to the approval of the Ministry.

# THE VOTER AND LOCAL GOVERNMENT

## REPRESENTATION OF THE PEOPLE ACT, 1918

### PARLIAMENTARY FRANCHISE MEN

SECTION 1 provides that a man shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if he is of full age and not subject to any legal incapacity, and (a) has the requisite residence qualification, or (b) has the requisite business premises qualification.

A man in order to have the requisite residence qualification or business premises qualification for a constituency—

(a) must on the last day of the qualifying period be residing in premises in the constituency, or occupying business premises in the constituency, as the case may be, and

(b) must during the whole of the qualifying period have resided in premises, or occupied business premises, as the case may be, in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

For the purposes of this sub-section, the administrative county of London shall be treated as a parliamentary borough.

The expression "business premises" in this section means land or other premises of the yearly value of not less than ten pounds occupied for the purpose of the business, profession, or trade of the person to be registered.

Section (2) provides that a man shall be entitled to be registered as a parliamentary elector for a university constituency if he is of full age and not subject to any legal incapacity, and has received a degree (other than an honorary degree) at any university forming, or forming part of, the constituency, or in the case of the Scottish universities is qualified under section 27 of the Representation of the People (Scotland) Act, 1868, or in the case of the University of Dublin has either received a degree (other than an honorary degree) at the university, or has obtained a scholarship or fellowship in the university whether before or after the passing of this Act.

### PARLIAMENTARY FRANCHISE WOMEN

Section 4 (1) provides that a woman shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if she—

- (a) has attained the age of thirty years, and
- (b) is not subject to any legal incapacity, and
- (c) is entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds or of a dwelling-house, or is the wife of a husband entitled to be so registered

Section 4 (2) provides that a woman shall be entitled to be registered as a parliamentary elector for a university constituency if she has attained the age of thirty years and either would be entitled to be so registered if she were a man, or has been admitted to and passed the final examination, and kept under the conditions required of women by the university the period of residence, necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not at the time the examination was passed admit women to degrees.

### LOCAL GOVERNMENT ELECTORS

The Act has made a sweeping change in the qualification of electors so far as local government elections and the right to vote at any such elections are concerned, and (by the Sixth Schedule) these are substituted for any reference in any other Act to local government electors, county electors, burgesses, parochial electors, or other persons entitled to vote at a local government election, by whatever name called, and local government electors so registered shall for all purposes, whether statutory or not, be in the same position as any such local government electors, county electors, burgesses, parochial electors, or persons

### LOCAL GOVERNMENT FRANCHISE MEN

Section 3 provides that a man shall be entitled to be registered as a local government elector for a local government electoral area, if he is of full age and not subject to any legal incapacity, and

- (a) is on the last day of the qualifying period occupying as owner or tenant, any land or premises in that area, and
- (b) has, during the whole of the qualifying period, so occupied any land or premises in that area, or, if that area is not an administrative county or a county borough any administrative county or county borough in which the area is wholly or partly situate

Provided that—

(i) for the purposes of this section a man who himself inhabits any dwelling-house, by virtue of any office, service, or employment, shall, if the dwelling-house is not inhabited by the person in whose service he is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant, and

(ii) for the purpose of this section the word "tenant" shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him in an unfurnished state

#### LOCAL GOVERNMENT FRANCHISE WOMEN

Section 4 (3) provides that a woman shall be entitled to be registered as a local government elector for any local government electoral area—

(a) where she would be entitled to be so registered if she were a man, and

(b) where she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside, and she has attained the age of thirty years and is not subject to any legal incapacity

For the purpose of this provision, a naval or military voter who is registered in respect of a residence qualification which he would have had but for his service, shall be deemed to be resident in accordance with the qualification

#### NAVAL OR MILITARY VOTER

Section 5 provides that a person to whom this section applies (in this Act referred to as "a naval or military voter") shall be entitled to be registered as a parliamentary elector for any constituency for which he would have had the necessary qualification but for the service which brings him within the provisions of this section

This section applies to any person who is of the age required under this Act in the case of that person and is not subject to any legal incapacity, and who—

(a) is serving on full pay as a member of any of the naval, military, or air forces of the Crown, or

(b) is abroad or afloat in connection with any war in which His Majesty is engaged, and is—

(i) in service of a naval or military character for which payment is made out of moneys provided by Parliament, or (where the person serving was at the commencement of his service resident in the United Kingdom) out of the public funds of any part of His Majesty's Dominions, or in service as a merchant seaman, pilot, or fisherman, including the

master of a merchant ship or fishing boat and an apprentice on such a ship or boat, or

(ii) serving in any work of the British Red Cross Society, or the Order of St John of Jerusalem in England, or any other body with a similar object, or

(iii) serving in any other work recognized by the Admiralty, Army Council, or Air Council, as work of national importance in connection with the war

A male naval or military voter who has served or hereafter serves in or in connection with the war shall, notwithstanding anything in this or any other Act, be entitled to be registered as a Parliamentary elector if that voter at the commencement of service has attained, or during service attains, the age of nineteen years, and is otherwise qualified

#### THE QUALIFYING PERIOD

The "qualifying period" referred to in the Act is defined by section 6 as a period of six months ending either on the fifteenth day of January, or the fifteenth day of July, including in each case the fifteenth day—

Provided that in the application of this section to a person who is a naval or military voter, or who has been serving as a member of the naval, military, or air forces of the Crown at any time during the said six months and has ceased so to serve, one month shall be substituted for six months as the qualifying period

#### QUALIFICATION OF COUNCILLOR

Section 10 provides that a person shall, in addition to and without prejudice to any other qualification, be qualified to be elected a member of the local government authority for any local government electoral area if he is the owner of property held by freehold, copyhold, leasehold or any other tenure within the area of that authority

#### MODE OF ELECTIONS

In University Constituencies entitled to return two or more members, elections are conducted by the transferable vote system of proportional representation. In other constituencies each elector has one or two votes according to the number of members to be elected, and in a two-member constituency cannot give more than one vote to any one candidate. Lord Parmoor has introduced a Bill to extend this system to local authority elections.

#### RETURNING OFFICERS' EXPENSES

The Representation of the People (Returning Officers' Expenses) Act, 1919, provides that the charges of returning officers at parliamentary elections (other than university elections) shall be charged and paid out of the Consolidated Fund.

## IV

### THE PARISH

1 THE PARISH is of Saxon origin. England was first divided into parishes by Theodore of Tarsus, Archbishop of Canterbury in A.D. 670. For local government purposes the parish means "a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed." The parish is not only the unit of Local Government but may be considered as the original area for Local Government. Out of it developed the original Parliament.

The Civil Parish is either rural or urban. Any parish which lies within an urban sanitary district is an Urban Parish, all other parishes are Rural.

There are also Ecclesiastical and Land Tax Parishes, which are not, however, local authorities.

2 THE RURAL CIVIL PARISH is subject to the Local Government Act, 1894, and its amendments. It is governed by a Parish Council or a Parish Meeting.

3 PARISH MEETING is an assembly of Local Government electors. Where no Parish Council is elected the following provisions apply—

(1) It is a corporate body with perpetual succession, but without a common seal.

(2) Meetings—There is an annual meeting between 1st March and 1st April, and one other. Further meetings may be called at any time by the Chairman or any six electors.

(3) Powers and Duties—

(a) Appointment of Overseer

(b) Approve disposal of parish property

(c) Has the right of Veto in reference to stopping or diversion of highway, adoption by the Parish Council of the Adoptive Acts, to the levying of a rate above 3d in the £, and to the raising of a loan by the Parish Council.

(d) All or any powers of a Parish Council.

(4) Officers—A paid clerk may be appointed with the consent of the County Council.

(5) Rates—Cannot directly levy rate. Expenditure, limited to proceeds of 6d rate, *inclusive* of Adoptive Acts, is met by precepts (or orders upon the Overseers), the amounts of which are collected as part of the Poor Rate.

(6) Accounts—Made up yearly to 31st March, and audited by the District Auditor of the Ministry of Health.

4. PARISH COUNCIL is elected in all parishes where population is over 300, if under 300 and over 100, where Parish Meeting



so resolves, and if under 100, with the consent of the County Council. The election takes place at the Annual Parish Meeting by show of hands, or by poll, when the latter is demanded.

(1) Constitution—Five to fifteen members elected for three years by the Local Government electors at Annual Meeting. Councillors must be Local Government electors or any person, male or female, resident on or before the 25th March of preceding year within the parish or within three miles of the parish. Parishes may be grouped under one Parish Council.

(2) Parish Council is a corporate body with perpetual succession, but without common seal. Chairman may be elected from outside the Council, but must be qualified to be a councillor.

(3) Meetings—There is an Annual Meeting on or within seven days of the 15th April and three others. Other meetings may be called by the Chairman or two Councillors.

(4) Powers and Duties—

(a) General—Appoint overseers. Appoint and revoke appointment of assistant overseers. Administer non-ecclesiastical charities. Appeal against valuations and rates. Provide parish room, books, and chest.

(b) Sanitary and Housing. It is not a sanitary authority but may act by arrangement for Rural District Council.

(c) Highway—May maintain and repair footpaths. Maintain rights of way. Veto stopping or diversion of highways.

(d) Education—May be Minor Education Authority.\*

(e) Land—May provide public walks and recreation grounds.

(f) Small Holdings and Allotments—May provide allotments.

(g) May, if approved by Parish Meeting, administer parochial Adoptive Acts (described in Chapter XV).

(5) Officers are Clerk and Treasurer.

(6) Rates—Cannot directly levy a rate. Expenditure is met by precepts on overseers, is limited to 3d in the £, or with the approval of the Parish Meeting, 6d in the £, *exclusive* of expenditure under the Adoptive Acts.

(7) Loans may be raised, subject to the approval of the Parish Meeting and County Council, not exceeding one-half the assessable value.

(8) Accounts are made up yearly to 31st March, and are audited by the District Auditor. (See Chapter X.)

5 PROMOTION OF PARISH COUNCIL to a District Council. Although the Parish Council was originally intended for the administration of rural areas, there are certain parishes with populations of several thousands governed by Parish Councils which should be under District Councils. The change may be effected as described in Chapter V.

6 THE URBAN PARISH The Vestry Meeting of the Inhabitants and Ratepayers of the Parish is still held in urban areas where the Urban District Council or Borough Council have not obtained the powers of the Vestry under the Local Government Act, 1894 Its powers include—

- (1) Nomination for appointment of overseers
- (2) Appointment and revocation of appointment of assistant overseers
- (3) Approval of expenditure of money for the preparation of Valuation Lists or Supplementary Valuation Lists
- (4) Appointment of Burial Board, where the Burial Acts, 1852 to 1906, have been adopted by the Vestry

## THE DISTRICT

1 THE DISTRICT is the local government unit for sanitary and highway purposes. In Saxon times the local unit next above the village was the Hundred, an institution found under various names all over Western Europe. This is thought to have been the ancient "run" of a pastoral group, or clan, out of which as agriculture developed, sub-settlements of agricultural villages, or townships were created. At the very dawn of English history we find the attendance at the hundred moot, of village representatives ("reeve, priest, and four men") as a well established institution. This is often spoken of as the first example of political representation in England.

The District is governed by an Urban or a Rural District Council, in accordance with the Local Government Act, 1894.

In boroughs the sanitary work is performed by the Borough Council.

2 ESTABLISHMENT OF DISTRICT COUNCIL.—When a County Council is satisfied that a *prima facie* case has been made out for the creation of an urban district, it may hold an enquiry and make an order in accordance with Section 57 of the Local Government Act, 1888, and Section 54 of the Local Government Act, 1894. This can best be done by means of a memorial from the Parish Council to the County Council.

3 CONSTITUTION OF DISTRICT COUNCIL.—At least one councillor for each parish of 300 population, elected for three years, from 15th April by the Local Government electors. As a rule one-third retire annually.

(1) Councillors must be Local Government electors or resident for at least twelve months in the case of—

(a) the Urban District, within the District

(b) the Rural District, within the Union of which the District forms a part.

A Rural District Councillor is also a member of the Board of Guardians of the Union within which the District is situated.

Women, married or single, are eligible.

(2) The District Council is a corporate body with perpetual succession and a common seal, and may hold land for the purposes of its powers and duties without licence in mortmain.

(3) The Chairman may be elected from outside the councillors, and, unless personally disqualified by any Act, shall be by virtue of his office a Justice of the Peace for the county.

(4) Meetings—The District Council must meet at least once a month as the sanitary authority

4 POWERS AND DUTIES may be divided under three heads, viz—

(1) Common to Urban and Rural District Councils, viz—

(a) Public Health functions under various enactments

(b) Highway Powers

(c) Powers under the Housing and Town Planning Acts

(d) Power to make By-laws

(e) Power, duties, and liabilities of Justices out of session

(2) Applicable to Urban District Councils only, viz—

(a) Certain Public Health functions relating to urban areas, including the issue of Stocks under Part V of the Public Health Acts Amendment Act, 1890

(b) Minor Education Authority, with power to aid or supply education other than elementary

(c) Parochial Adoptive Acts as enumerated in Chapter XV, including power to provide allotments

(d) Management of Trading undertakings

(e) Where population is 20,000 the District Council is authority under—

(i) Old Age Pensions Acts, 1908 to 1920 ,

(ii) National Insurance Acts, 1911 to 1920 ,

(iii) Shops Acts, 1912 and 1913 ,

(iv) Education Acts (Elementary Education Authority)

(f) Where population is 25,000 it may petition for appointment of Stipendiary Magistrate under the Act of 1863

(g) Where population is 50,000 it is authority under—

(i) Unemployed Workmen Act, 1905 , and may set up

(ii) Local Committee under Naval and Military War Pensions, etc , Acts, 1915 to 1917

(h) Power to apply for Charter of Incorporation

(3) Applicable to Rural District Councils only, viz—

(a) Public Health (Water) Act, 1878

(b) Power to delegate sanitary duties to Parish Council

(c) Such urban powers as may be granted under Provisional Order issued by the Ministry of Health

• (d) Powers of a Parish Council, if co-extensive with a parish

(e) Power to apply to County Council to become an Urban District Council

5 OFFICERS include—

(1) Medical Officer of Health	} Appointment of (1) and (2) subject to approval of Ministry of Health
(2) Inspector of Nuisances, and	
(3) Surveyor	

The Ministry of Transport Act, 1919, sec 17 (2) provides that the Minister may by agreement with the local authority defray half the salary and establishment charges of the engineer and surveyor to a local authority responsible for the maintenance of such roads, subject to the condition that the appointment retention and dismissal of such engineer or surveyor, and the amount of such establishment charges shall be subject to the approval of the Ministry

- |   |   |   |
|---|---|---|
| (4) Clerk   | { | In urban districts these are specially appointed, but, in rural districts, the Clerk and Treasurer of the Board of Guardians act in that capacity |
| (5) Treasurer                                     |   |   |
| (6) Collector, in urban districts only            |   |   |
| (7) Such others as the Council consider necessary |   |   |

#### 6 RATES—

- (1) Urban District can levy and collect a General District Rate
- (2) Rural District Council meets its expenditure by precepts upon Overseers

This expenditure of a Rural District must be divided into—

- (a) General, which benefits the inhabitants generally
- (b) Special, which benefits a particular contributory place

The General Expenses of a Rural District are assessed upon all rateable properties in proportion to full net annual value, except agricultural land which is assessable in proportion to one half only of its net annual value. In this respect there is a difference between urban and rural districts, the general expenditure in the former being defrayed out of a rate (the General District Rate) to which land used for agricultural purposes, or as a railway, or canal, and tithes are assessable in proportion to one-fourth only of their net annual value

Any District may levy and collect a Private Improvement Rate

7 LOANS for sanitary works of a permanent character may be raised, repayable within a period not exceeding sixty years

8 ACCOUNTS are made up in the case of—

- (1) Urban District, yearly to 31st March
- (2) Rural Districts, half-yearly to 31st March and 30th September, and

both are audited by the District Auditor of the Ministry of Health

## VI THE BOROUGH

1 THE BOROUGH is probably the oldest local government authority. The development of craftsmanship gave rise to the growth of Towns, or compact centres of population, engaged mainly in industrial pursuits, though their inhabitants also carried on the more primary and indispensable work of cattle-rearing and agriculture as by-industries. We find after this the gathering together of the guilds in the town results in a new social development, the City or self-governing municipality—the borough in the modern English sense.

A MUNICIPAL BOROUGH means any place for the time being subject to the Municipal Corporations Act, 1882, and the amending Acts.

2 ESTABLISHMENT OF A BOROUGH. A Municipal Corporation is constituted by the grant of a Charter of Incorporation. The Charter is granted after a petition to the King, by the inhabitant householders in a town, who advise the Ministry of Health and the County Council of the petition. The King refers the petition to the Privy Council, who appoint a small committee from their number to report. This Committee instructs an Inspector who holds a local enquiry and reports. Should the inspector report favourably upon the petition he drafts a scheme for incorporating the new borough. The scheme is published in the *London Gazette*, and, if unopposed, an Order in Council is issued, within one month, granting the Charter. Within the same period opposition may be lodged by any local authority or one twentieth of the owners or ratepayers, in which event an Act of Parliament is necessary for the purpose of creating the borough. There is no standard of population, rateable or assessable value necessary for a town to possess before applying for a Charter of Incorporation.

A borough is governed by a MUNICIPAL CORPORATION, which enjoys perpetual succession and a common seal. The root idea of a Corporation is, that it is a body of individuals acting together for a common purpose, which has a legal existence apart from the individual legal existence of its members.

### 3 CONSTITUTION—

A Municipal Corporation means the body corporate constituted by the incorporation of the inhabitants of a borough, and consists of the Mayor, Aldermen and Burgesses.

Burgess is a person enrolled upon the Local Government register of electors.

Privileges of burgesses include the right to vote at borough, county council, guardian and parliamentary elections

Duties of burgesses include serving upon juries and holding corporate office

4 COUNCIL A Municipal Corporation is capable of acting by a Council, consisting of the Mayor, Aldermen and Councillors

(1) Councillors are elected by ballot for three years on 1st November by Local Government electors of the borough—

- (a) From among themselves, or
- (b) from persons possessing property—

(i) where there are four or more wards, valued £1,000 or rated at £30 per annum,

(ii) in other boroughs, valued £500 or rated at £15 per annum, or

(c) from any person of either sex if that person has resided within the borough during the whole of the twelve months preceding the election

A person shall be disqualified for being elected and for being a councillor, if and while he

(a) Is an elective auditor, or holds any office or place of profit, other than that of mayor or sheriff in the gift or disposal of the council, or

(b) Is in holy orders or the regular minister of a dissenting congregation,

(c) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of, the council

Number of councillors is regulated by the charter, but may be amended by the Ministry of Health. There are usually three councillors to each ward, one councillor retiring usually from each ward yearly

(2) Aldermen are elected by the councillors for six years from among the councillors or persons qualified to be councillors. Election is on the 9th November, one-half retiring every three years. The number is one-third the number of councillors. The only additional function of an alderman is to act as returning officer at the election of councillors for the ward to which he has been assigned by the Council

(3) The Mayor is elected by the councillors and non-retiring aldermen from among the council or from persons qualified for election as councillors. Election is for one year. The mayor may receive a salary, and may be re-elected. In certain cities the mayor possesses the title of "Lord Mayor"

- (4) Meetings held annually by a Municipal Council include—  
 (a) Four Quarterly as a Borough Council  
 (b) Twelve Monthly as an Urban Sanitary Authority,  
 (c) Others as summoned by the Mayor, or any five members  
 of the Council

5. COMMITTEES The work is principally transacted by Committees, who are mainly appointed from among members of the Council. The acts of every Committee must, with certain exceptions, be submitted to the Council for their approval. Committees do not possess the power to levy a rate or raise a loan.

6. DUTIES may be divided under heads as those of—

- (1) A Borough Council, including the making of By-laws for the good rule and government of the borough  
 (2) An Urban Sanitary Authority, as described in Chapters XI to XIV  
 (3) Authority under the Adoptive Acts, as described in Chapter XV  
 (4) Management of Trading Enterprises as described in Chapter XVI

(5) Authority to undertake additional functions prescribed by general or local Acts of Parliament, e.g., Shops Acts, 1912 and 1913, the Naval and Military War Pensions, etc., Acts, 1915 to 1917, and the Profiteering Act, 1919

7. PROFITEERING ACT, 1919 The Board of Trade may, as and when it appears to them necessary or expedient, establish, or authorize any local authority or authorities to establish, local or other committees, to whom the Board may delegate any or all of their powers under this Act in respect of any articles or classes of articles, or sales, except the power of the Board to fix prices, and the effect of any order by a committee under such delegated powers shall be the same as that of an order of the Board. The Board may, if they think fit, authorize local authorities, subject to such conditions as the Board may impose, to purchase and sell any article or articles of any class to which this Act applies upon a commercial basis.

8. OFFICERS include—

- (1) Town Clerk  
 (2) Treasurer  
 (3) The usual officers required by an urban sanitary authority  
 (See Chapter V)

(4) Such other officers as the Council think necessary

9. RATES—

(1) Borough Rate, to meet deficiency of the Borough Fund together with requirements for education, is usually collected by the Overseers under the precept issued by the Council



(2) General District Rate is levied and collected by the Council  
 (3) Certain boroughs have a Consolidated Rate (all Rates being collected on the one Demand Note) under special Acts of Parliament. This method has much to commend it.

10 LOANS for borough purposes must be repaid within a period not exceeding thirty years. Other loans as prescribed by the respective enactments. Money may be raised by the issue of Stocks under Part V of the Public Health Acts Amendment Act, 1890, under the Local Loans Act, 1875, and under local Acts.

11 ACCOUNTS. The Treasurer's accounts are made up half-yearly to such date as the Council, with the approval of the Ministry of Health, may decide. The date is usually but not invariably the 31st March. Accounts are audited, unless there are provisions to the contrary, by the Borough Auditors, &c.—

(1) Two elective auditors elected by the burgesses on 1st March from among persons qualified to be, but not being, members of the Council.

(2) The Mayor's auditor, being a member of the Council nominated by the mayor.

This system of audit does not apply to Accounts under the Education Acts and Unemployed Workmen Act, which are audited by the District Auditor of the Ministry of Health.

Some boroughs have a professional auditor in addition to the Borough Auditors, while others have an audit by the District Auditor in lieu thereof.

A full abstract of the accounts must be published yearly, which may be purchased at a reasonable price.

## 12 SPECIAL TYPES OF BOROUGH—

(1) Boroughs possessing Judicial functions, viz—

- (a) Separate Commission of the Peace.
- (b) Stipendiary Magistrate.
- (c) Separate Court of Quarter Sessions.
- (d) Coroner.
- (e) Court of Civil Jurisdiction.

(2) Boroughs possessing special functions according to population, viz—

(a) 10,000 inhabitants

- (i) Authority under the Police, Diseases of Animals, Weights and Measures, and Food and Drugs Acts.
- (ii) Elementary Education Authority.

(b) 20,000 inhabitants

- (i) Local Pension Authority under Old Age Pensions Acts.
- (ii) Power to apply for a separate Police Force.

(c) 25,000 inhabitants

Power to petition Home Secretary to appoint a Stipendiary Magistrate

(d) 30,000 inhabitants

(i) County Borough

(ii) Local Education Authority

(iii) Authority under Unemployed Workmen Act

(iv) National Health Insurance Committee

(v) Local Committee under the Naval and Military War Pensions, etc., Acts, 1915 to 1917

(vi) Representatives on Territorial Associations under the Territorial and Reserve Forces Act, 1907

(3) Cities and Towns, which by ancient privilege, are Counties in themselves and include those possessing separate—

(a) Commission of the Peace

(b) Court of Quarter Sessions

(c) High Sheriff, appointed on 9th November, who acts independently of the High Sheriff for the County.

13 FREEMEN are persons entitled to be admitted in accordance with the Municipal Corporations Acts in respect of birth, service, or marriage, and who are admitted by the mayor and enrolled by the town clerk on the Freeman's Roll.

14 HONORARY FREEMEN are persons of distinction who have been admitted under the Act of 1885 to the Freedom of the Borough. They possess no qualifications as burgesses.

## VII

### THE JUSTICE OF THE PEACE

1 THE OFFICE is one of great antiquity, dating from the time of the origin of the "King's Peace," which he is commissioned to preserve

2 APPOINTED by the Crown on the nomination of the Lord-Lieutenant of the County to the Lord Chancellor, who sometimes appoints without such a nomination, and is in no wise bound to follow the recommendation

^In the Counties Palatine the Chancellor of the Duchy recommends and appoints for the Crown

There have recently been established Local Advisory Committees for the purpose of assisting in these nominations

Certain boroughs possess a separate Commission of the Peace Justices are unpaid Appointment is for life, so long as they retain the necessary qualifications, that is, while acting as such they must reside in or within seven miles of the district or occupy a house or warehouse or other property in that district Justices may be removed from the Commission by the Crown for good cause shown

3 QUALIFICATIONS By the Justices of the Peace Act, 1906, all property qualifications were abolished

(1) There are certain *ex-officio* Justices, viz —

(a) The Mayor of a Borough is a Justice of the Peace for his year of office and for twelve months afterwards

(b) The Chairman of a Rural or Urban District Council is, unless personally disqualified, *ex officio* a Justice of the Peace for the county within which his district is situated

(c) The Chairman of a County Council is, by virtue of his office, a Justice of the Peace for the county

(2) The Sex Disqualification (Removal) Act, 1919, with certain provisos removes the disqualification of a person either by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation or for admission to any incorporated society (whether incorporated by Royal Charter or otherwise), and a person shall not be exempted by sex or marriage from the liability to serve as a juror

4. DUTIES In addition to their judicial functions, Justices have various duties relating to local government, including the following—

(1) Control of persons and of premises licensed for the sale of

intoxicating liquor by retail, billiard playing, and—in places where Part IV of the Public Health Acts Amendment Act, 1890, has been adopted by the local authority—music, singing and dancing

(2) Duties under Cinematograph Act, 1909, and Explosives Act, 1875, where same have been delegated to the Justices

(3) Registration of clubs in which intoxicating liquor is supplied to members or their guests

(4) Duties under the Lunacy Acts, 1890 to 1911, and Mental Deficiency Act, 1913

(5) Duties under Volunteers Act, 1863, Army Act, 1881, and Military Manoeuvres Act, 1897

(6) Appointment of special constables under the Special Constables Act, 1831

(7) Appointment of probation officers under the Police Acts

(8) Revising lists of jurors in counties, and in boroughs not having a separate Court of Quarter Sessions or a Borough Civil Court

(9) Allowances of rates and exemptions from payment thereof

(10) Appointment in counties of one-half of the members of the Standing Joint Committee for the control of the county constabulary

(11) Appointment of Visiting Committee of Prisons and Asylums

(12) Appointment of Overseers of the Poor in urban districts (including boroughs) where power to do so has not been obtained by the local Council. In such cases the nomination is made by the Vestry Meeting

5 STIPENDIARY MAGISTRATE may be appointed by the Crown on the recommendation of the Home Secretary upon the petition of the borough. He must be a barrister of not less than seven years' standing. His salary is paid by the borough. He has the power of two Justices of the Peace (*i.e.*, Court of Petty Sessions)

6 MAGISTRATES' CLERKS are appointed by the Justices, subject to confirmation by the Home Secretary. Their duties are to assist the Justices upon matters of law and practice, and to keep all the books and records required by the Summary Jurisdiction and Indictable Offences Acts

## VIII

### THE COUNTY

1 THE COUNTY was, until 1888, governed by the county magistrates, meeting in Quarter Sessions. The purpose of the Local Government Act, 1888, was to transfer from the Justice of the Peace in Quarter Sessions certain administrative powers which they had acquired over a period of several centuries through the discretionary character of statutes which were first passed under the Tudor sovereigns.

2 THE ADMINISTRATIVE COUNTY means the area for which a County Council is elected, in pursuance of the Local Government Act, 1888, but does not, except where expressly mentioned, include a County Borough. The area of the Administrative County is further sub-divided into non-county boroughs, urban districts, rural districts, and parishes.

3 THE COUNTY COUNCIL, which is a corporate body with perpetual succession and a common seal, and consists of the Chairman, Aldermen and Councillors is the local authority.

(1) County Councillors are elected by ballot every three years by Local Government electors.

(a) Both Local Government electors and Local Government councillors must possess a similar qualification to borough electors and borough councillors. In addition Peers owning property in the county, and ministers of religion are also qualified.

(b) One Councillor is elected for each Electoral Division, and no elector can vote in more than one Division of a County although qualified.

(c) Number of Councillors is regulated by the Ministry of Health.

(d) Election is on any date between the 1st and 8th March fixed by the Council.

(2) County Aldermen are elected by the Councillors for six years from among the Councillors or persons qualified to be Councillors. Election is at the annual meeting, one-half retiring every three years. The number is one-third the number of Councillors.

(3) Election of the Chairman is similar to that of the Mayor of a Borough.

(4) The County Council holds, as a rule, only the statutory meetings, viz.—an annual meeting and four quarterly meetings, the first meeting after the triennial election being 15th April.

4 COMMITTEES—The work is principally transacted by Committees, who merely report their proceedings to the Council. Committees are of two kinds (1) Ordinary, and (2) Joint

(1) Ordinary Committees are of two kinds (a) Statutory, and (b) Standing

(a) Statutory Committees include—

- (i) Finance, under Local Government Act, 1888
- (ii) Education, under Education Act, 1902
- (iii) Distress, under Unemployed Workmen Act, 1905
- (iv) Small Holdings, under Small Holdings and Allotments Act, 1908
- (v) Local Pensions, under the Old Age Pensions Acts, 1908 to 1920
- (vi) Public Health and Housing, under the Housing and Town Planning, etc., Act, 1909
- (vii) Shops Act, under the Shops Act, 1912 and 1913
- (viii) Local, under the Naval and Military War Pensions, etc., Acts, 1915 to 1917
- (ix) Maternity and Child Welfare, under the Act of 1918
- (x) Land Drainage Act, under the Act of 1918
- (xi) Agriculture, under Part III of the Ministry of Agriculture and Fisheries Act, 1919

(b) Standing Committees depend upon the functions of the Council, but usually include—

- (i) Main Roads and Bridges
- (ii) Parliamentary
- (iii) Local Government
- (iv) Weights and Measures
- (v) General Purposes or Executive

(2) Joint Committees comprise those appointed to administer certain Acts, and include—

- (a) Standing Joint Committee for County Police (*See* Chapter XVII)
- (b) Asylums Visiting Committee (*See* Chapter XX)
- (c) Inebriates Act Committee
- (d) Sea and River Conservancy, and River Pollution

The County Council appoints representatives upon the County Insurance Committee under the National Health Insurance Acts, 1911 to 1920

5 POWERS AND DUTIES are of two kinds, viz—

(1) The direct functions, indicated by the names of the Committees given above, may be said to include—

- (a) Sanitary, Housing, and Town Planning
- (b) Highways, Streets, and Bridges
- (c) Police

- (d) Educational
- (e) Registration and Licensing
- (f) Economic and Social, including Unemployed Workmen, Old Age Pensions, National Health Insurance, etc
- (g) Miscellaneous, including management or assistance of Light Railways, protection of wild birds

(2) Control by the County Council extends to all other local authorities in inverse ratio to their powers. That is to say, the control over the Parish Council and Parish Meeting is more extensive than that exercised over the Borough Council, and the control over the Rural District Council more complete than that over the Urban District Council. This control includes the distribution of the sums received from the Exchequer Contribution Account.

6 OFFICERS include those—

(1) Appointed by the Standing Joint Committee—

- (a) Clerk
- (b) Chief Constable

(2) Appointed by County Council—

- (a) Treasurer
- (b) Surveyor
- (c) Medical Officer of Health
- (d) Public Analyst
- (e) Coroner

(f) Inspectors to comply with requirements of the sanitary and other enactments; and such other officers as the Council think necessary.

7 COUNTRY RATE is levied under the County Rates Acts, 1852 to 1866, by precepts upon Guardians, who obtain the money from the Overseers of the respective parishes. Although the County Council may accept the Poor Rate Valuation, as described in Chapter IX, as the basis of the County Rate, they are not obliged to do so, and in practice they often prepare their own valuation.

8 LOANS for county purposes only, *e.g.*, a Shire Hall, are limited to one-tenth the assessable value, and for a period not exceeding thirty years. Other loans are limited by the respective enactments, *e.g.*, Small Holdings and Allotment Acts.

9 ACCOUNTS are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health.

## IX

### THE OVERSEER OF THE POOR

1 THE OVERSEER OF THE POOR is every authority which makes an assessment for the Poor Rate. The office dates from 1551, and became a permanent feature of local government in 1601. In 1834 the duties of the overseers with reference to poor relief were transferred to the Board of Guardians.

2 APPOINTED annually in April in each Parish, as follows—

(1) Rural, by Parish Council or Parish Meeting, or, in case of neglect, by the Board of Guardians.

(2) Urban, by—

(a) Justices on nomination of Vestry, or

(b) Borough or Urban District Council.

This does not apply within the County of London, where by the London Government Act, 1899, the Borough Councils are the Overseers. Each Borough Council elects a Valuation Committee.

\* 3 QUALIFICATIONS Any "substantial householder," male or female. Office is compulsory and unpaid, but a "discreet person" is usually appointed Assistant Overseer under the control of the Overseer. Salary of assistant is paid out of poor rate. Where there is no fit inhabitant in the parish, an inhabitant householder of an adjoining parish may be appointed with his consent.

4 DUTIES include—

(1) Preparation of Poor Rate Valuation List.

(2) Making, levying and collecting Poor Rate, under the Poor Relief Act, 1601, which provides for other services in addition to poor relief, e.g., education.

(3) Assistance to the Registration Officer in the preparation of local government and parliamentary register of electors, list of objections thereto and attendance at revision courts.

(4) Preparation of grand and common jury lists under similar conditions to register of electors.

(5) Relief of the poor in cases of urgent necessity, including certifying pauper lunatics.

(6) Keeping prescribed accounts and submission of same to District Auditor of the Ministry of Health.

(7) Miscellaneous, including supervision of the work of the Assistant Overseer.

5. VALUATION LIST is a list of all the rateable hereditaments





in the Parish. It is a statement of the Gross Estimated Rental and Net Value of all the rateable properties in the parish.

(1) The List is prepared and deposited in the same place as rate books in accordance with the Union Assessment Committee Acts, 1862 to 1880.

(2) Appeals against are heard before the UNION ASSESSMENT COMMITTEE, consisting of from six to twelve Guardians of the Poor, appointed under the Union Assessment Committee Act, 1862. It is the duty of the Committee to secure uniformity and correctness of valuation throughout the Union. For this purpose a salaried Valuer may be appointed subject to the approval of the Board of Guardians. The work of the Committee is not controlled by any Government Department, nor is the Central Government represented on the Committee.

FORM OF VALUATION LIST AND RATE is prescribed by the Parochial Assessment Act, 1836, as amended by the Agricultural Rates Act, 1896. (See page 40.)

#### DEFINITIONS—

(1) Gross Estimated Rental is the rent at which the property might reasonably be expected to let from year to year, free of all usual tenant's rates and taxes and the commutation rent charge, if any.

(2) Rateable Value or Net Annual Value is the gross estimated rental after deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent.

(3) Assessable Value is the Rateable value reduced by an amount equal to one-half of the rateable value of agricultural land.

(4) Rate is a charge, the proceeds of which are applicable to public local purposes and which is leviable on the basis of the assessment in respect of the yearly value of property.

#### 6 PRINCIPLES OF VALUATION.

(1) *In the case of dwelling houses* and premises let at a rack rent or on short leases the rent is usually taken as the basis for valuation. The actual rental paid is not, however, necessarily the standard of value.

(2) *Contractor's Rent* Where the particular hereditament is not let at a rack rent, such as schools, colleges, halls, hospitals and clubs, the valuation is often based wholly or partly upon the principle of "contractor's rent," i.e., of adding together a percentage on the cost or rather a percentage on the value of the buildings and a percentage on the value of the site.

(3) *Competitive Value* In certain other properties which

are seldom or never let on the terms contemplated by the statute, viz—railways, canals, tramways, docks, waterworks, gas works, electric supply undertakings, etc., the "contractor's rent" principle is only partially applied, e.g., to the railway stations as distinguished from the line. The main valuation is made upon another principle which appears to be adopted partly perhaps because these undertakings have to some extent the character of monopolies, and, therefore, the rent which a tenant would give cannot be determined by merely taking a percentage on the cost of construction. In such cases, the Courts have approved of a method of valuation starting from the profit earned and arriving at the annual value of the rateable portion of the undertaking by a series of deductions. Many such properties extend into several parishes and counties. The valuations in such counties have to be made on the basis of what a hypothetical tenant would give for the portion of the undertaking in each parish.

#### 7. APPEAL AGAINST VALUATION LIST

(1) Within twenty-eight days from notice of deposit, any aggrieved person, or the overseers, or parish council, or parish meeting may give notice of objection to the Committee and to parishes or persons affected by the objection.

(2) The objection must be on the ground of unfairness, incorrectness, or omission in the valuation, and must be in writing and in duplicate, one copy being for the Overseers, and the other for the Union Assessment Committee.

(3) The Committee hold meetings to hear and determine objections after giving twenty-eight days notice to the Overseers who publish the notice. The Committee hear objectors either personally or by counsel, solicitor or agent. The Committee sits in a judicial capacity in which they hear the case for the appellants, and then the Overseers as the respondents.

(4) The Committee may, with or without objection, and at any time and on any information, make such alterations as it thinks fit.

(5) After the list is altered it is re-deposited under conditions of original deposit. The Committee hold further meetings for hearing objections to alterations after seven to fourteen days from re-deposit.

(6) After hearing all objections they approve the list by totalling the columns showing gross rental and rateable value, and by signature of three members present at the meeting, and add the date. The original is kept by the Board of Guardians. A copy signed by three members and counter-signed by the Clerk of

the Committee is sent to the Overseers. The parish totals of gross rentals and rateable value are sent to the Clerk of the Peace.

(7) A person may make a further appeal from the Committee to the Justices in Special Sessions, and from them to the Quarter Sessions. A parish may by its Parish Council or other authority appeal direct to Quarter Sessions. On a point of law a case may be obtained for the opinion of the High Court.

8 THE POOR RATE VALUATION is the basis for—

(1) General District Rate, Sec 211 Public Health Act, 1875

(2) General Expenses Rate of a Rural District, Sec 230 Public Health Act, 1875, Sec 29 Local Government Act, 1894

(3) Highway Rate (where levied) Sec 4 Highway Rate Act, 1882

(4) Borough Rate, Sec 144(5) Municipal Corporations Act, 1882

(5) Private Improvement Rate, Sec 213 and 232 Public Health Act, 1875

9 MAKING AND LEVYING THE POOR RATE, which provides for other services in addition to Poor Relief, *e.g.*, Education

(1) Local Authorities issue precepts (or orders) on overseers of the various parishes

(2) Overseers estimate the rate required to produce the amount of the various precepts, together with Overseer's expenses

(3) Rate is then prepared and allowed by two justices, and levied upon—

(a) Under Poor Relief Act, 1601—every inhabitant, parson, vicar and other, and every occupier of lands, houses, tithes impropriate, propriations of tithes, coal mines or saleable underwoods

(b) Under Rating Act, 1874—occupiers of mines of every description not in the 1601 Act, land not subject to rights of common, sporting rights when severed from the occupation of land

(c) Under Advertising Stations (Rating) Act, 1889—occupiers of advertisement hoardings

(d) Under Agricultural Rates Act, 1896—agricultural land as assessed at one-half the rateable value

Occupation must be "beneficial." What constitutes beneficial occupation is a question of fact which may have to be decided in the Courts. Appeal lies to Special or Quarter Sessions.

(4) Appeal against the Rate may only be made by persons who have given notice of objection against the valuation list, and have failed to obtain such relief as they consider just

(5) Rate is levied upon occupiers, except—

(a) Tithe Rent charge

(b) In the case of property of small annual value where the owner is rated on—

(i) Metropolis not exceeding £20

(ii) Liverpool not exceeding £13

(iii) Manchester and Birmingham not exceeding £10

(iv) Elsewhere not exceeding £8

Section 16 of The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, increases the limits of compounding for rates by 25 per cent if the premises are outside the Metropolis

(c) Sporting Rights when severed from the occupation of the land

(d) Certain properties are subject to differential rating

#### 10 EXEMPTIONS FROM RATING—

(a) Property occupied by the Crown or used for the purposes of the Crown

(b) Properties covered by the Scientific Societies Act, 1843

(c) Sunday Schools and Ragged Schools as defined by the Act of 1869

(d) Registered places of worship

(e) Lighthouses, buoys and beacons as defined in Merchant Shipping Act, 1894

11 **STATEMENT OF RATES ACT, 1919**, provides that from and after the first day of January, 1920, every demand for rent, or receipt for rent, which includes any sum for rates paid or payable under any statutory enactment by the owner instead of the occupier, shall state the amount of such rates paid or payable in accordance with the last demands received by the owner from the rating authorities at the time of making his demand or giving his receipt in respect of the hereditament in question. This Act shall not apply to weekly lettings at inclusive rentals in any market established under or controlled by statute

12 **ACCOUNTS** The Accounts of the Overseer are made up half-yearly to 31st March and 30th September, and audited by the District Auditor of the Ministry of Health

## X

### LOCAL FINANCE—ACCOUNTS AND AUDIT

#### A LOCAL TAXATION GRANTS

1 TAXES are a portion of private wealth exacted compulsorily from individuals by the State to meet expenditure necessary to carry out the functions of government

2 RATES are a charge, the proceeds of which are applicable to public purposes and which are leviable on the basis of the assessment in respect of the yearly value of property. The present system of rating is theoretically based on the assumed annual letting value of real property, and does not take into account personal property or income

3 THE SYSTEM of State subventions was begun in 1834 by means of grants-in-aid from the Consolidated Fund made annually for criminal prosecutions and support of prisons. It was extended afterwards to maintenance of police, poor law schools, pauper lunatics, health officers, sanitary inspectors, registration and main roads. The principle has now been extended to the Ministry of Transport Act, 1919

IN 1889 the Local Taxation Account was established by the late Viscount (then Mr) Goschen. Grants-in-aid have been largely superseded by the assignment to local authorities of the proceeds of special taxes, though in some cases these proceeds are "stereotyped" figures

4 THE LOCAL TAXATION GRANTS are not compassionate grants but a charge which should fall on the taxpayer. Many local services are enforced by Parliament, and concern the general welfare. The expenditure is "onerous," and should in some way be met by the national exchequer. The Grants act as a stimulant to negligent authorities, and enable Parliament to secure a uniformity of administration of certain functions which it is desirable should be efficiently performed

5. LOCAL TAXATION GRANTS may be classified as follows—

- (1) The Probate Duty Grant
- (2) The Customs and Excise Duty Grant
- (3) The Licences Duty Grant
- (4) The Agricultural Rates Grant

#### B ACCOUNTS

1 SYSTEMS OF ACCOUNTS—

- (1) Accounts are invariably kept on a double-entry system
- (2) "Receipts and Expenditure" are referred to in—
  - (a) General Orders of the Local Government Board

- (b) Public Health Act, 1875
- (c) District Auditors Act, 1879
- (d) Municipal Corporations Act, 1882
- (e) Local Government Act, 1888
- (f) Education Act, 1902
- (3) "Receipts and Payments" are referred to in Local Government Act, 1894
- (4) "Income and Expenditure" Accounts are usually kept by—

- (a) The larger Boroughs and Urban District Councils
  - (b) The authorities who undertake any form of trading
- The Departmental Committee on Accounts of Local Authorities proposed that this system should be extended to the accounts of all local authorities other than Overseers of the Poor, Parish Councils and Meetings, and Lighting Inspectors
- (5) District Councils and (especially) Boards of Guardians are largely subject to the detailed methods prescribed by the Ministry of Health Orders

2 SEPARATE ACCOUNTS are prepared to show the Income and Expenditure in relation to the main divisions of each authority's activities and administration, *e g*—

- (1) In respect of services associated with each rate or forming a distinct important activity
- (2) Trading undertakings
- (3) Where Acts of Parliament specifically require such separation, *e g*, Education

### 3 FORMS OF ACCOUNTS

The Ministry of Health has large powers to prescribe *inter alia* the form of accounts of local authorities subject to audit by the District Auditor (see below), but in this connection the Ministry has generally prescribed only the form of Financial Statement to be submitted to the Auditors

4 THE PERIOD AND DATES OF MAKING UP OF ACCOUNTS are as follows—

- (1) Parish Meeting Yearly to 31st March
- (2) Parish Council Yearly to 31st March
- (3) Rural District Council Half-yearly to 31st March and 30th September
- (4) Urban District Council Yearly to 31st March
- (5) Boroughs—
  - (a) Education and Distress Committee Accounts only Yearly to 31st March
  - (b) All other Accounts Date approved by Ministry of Health, generally the 31st March
- (6) County Councils. Yearly to 31st March

(7) Overseers of the Poor Half-yearly to 31st March and 30th September

(8) Joint Boards and Committees (usually) Yearly to 31st March

(9) Port Sanitary Authorities (usually) Yearly to 31st March

(10) Boards of Guardians Half-yearly to 31st March and 30th September

(11) Visiting Committees of Lunatic Asylums (usually) Yearly to 31st March

#### 5 INSPECTION OF ACCOUNTS BY RATEPAYERS—

(1) Parish Councils, Urban and Rural District Councils, and other Authorities to whom Section 247 of the Public Health Act, 1875, applies

Accounts to be deposited seven clear days before audit, and during this time all persons interested may inspect them and take extracts from them without payment

(2) Parish Meetings, Parish Councils, and Rural District Councils It is provided by the Local Government Act, 1894, that any parochial elector may, at all reasonable times, without payment, inspect and take extracts from the books, accounts, and documents of the authorities

(3) Urban District Council Accounts are to be open to inspection during the audit, in accordance with General Order of the 22nd March, 1880

(4) Borough Councils Under Section 233 of the Municipal Corporations Act, 1882, a burgess may inspect the minutes of the Council and orders for the payment of money, and may take extracts from them Ratepayers may also inspect the abstract of the treasurer's accounts and may obtain copies at a reasonable price

(5) County Councils The provisions of the Public Health Acts and Municipal Corporations Act as to the inspection of the accounts are generally applicable to County Councils

(6) Boards of Guardians The General Order of 14th January, 1867, directs that the half yearly statement, relief order book, and ledger may be inspected, examined and copied, by any ratepayer or owner of property in the Union

(7) Overseers of the Poor The General Order of 14th January, 1867, also directs that the documents and books may be inspected at the time of the audit by any owner of property or ratepayer, who at any reasonable time may inspect the books upon payment of sixpence

#### 6 PUBLICATION OF ACCOUNTS—

(1) Parish Councils, and Joint Committees of Parish Councils



and Parish Meetings, are required to lay before the Parish Meeting a copy of the Financial Statement

(2) Urban and Rural District Councils are required to publish an abstract of their accounts, after audit, in local newspapers

(3) Borough Councils are required to print a full abstract of the Treasurer's Accounts annually, after audit

(4) County Councils generally follow the regulation prescribed for boroughs

(5) Boards of Guardians are required to send each half-year to the overseers of each parish a "Parochial List and Statement of Account" They are also permitted to print and circulate among the ratepayers, or advertise in the newspapers, the (non-statutory) financial statement

### C AUDIT

1 BEFORE 1834, church wardens and overseers, four days before the end of the year, were required to render accounts to two Justices of the Peace, and such accounts were to be open to inspection Justices were empowered to examine accounts, disallow or reduce

2 THE POOR LAW AMENDMENT ACT, 1834, provided that the Guardians under an Order of the Poor Law Commissioners were to appoint a "competent person" to be auditor, who held office until removed by the Commissioners or by Guardians with the consent of the Commissioners Audit by Justices remained, and they had power to allow what auditors disallowed

3 THE POOR LAW AMENDMENT ACT, 1844, deprived the Justices of their audit powers Auditor was to be appointed by Chairman or Vice-Chairman of the Board of Guardians Poor Law Commissioners were empowered by Order to combine parishes and unions into districts for audit purposes

4 THE GENERAL ORDER FOR ACCOUNTS, 1847, substituted half-yearly for quarterly audit This was supplemented by Orders dated 18th November, 1850, and 16th March, 1854, being finally rescinded by THE GENERAL ORDER FOR ACCOUNTS, 14th January, 1867, which is still in force and contains 67 Articles and 8 Schedules

5 IN 1868 Parliament directed that future vacancies should be filled by the Local Government Board<sup>1</sup> There are no statutory qualifications, but it is the practice to appoint barristers, chartered and incorporated accountants, solicitors, and persons trained by a district auditor or in the office of the Ministry of Health.

<sup>1</sup> Now Ministry of Health

6 THE AUDIT OF LOCAL AUTHORITY ACCOUNTS is performed by—

- (1) District Auditors (See page 49)
- (2) Borough Auditors (see "Borough")
- (3) Professional Auditors (see "Borough")
- (4) Vestry Auditors in the case of some small bodies, such as burial boards

7 THE DISTRICT AUDITOR is "a competent person" appointed by the Ministry of Health to an audit district in England and Wales under the District Auditors Act, 1879. His duty is to ascertain that all sums which ought to be received and all sums which have been actually received are duly accounted for, and everything stated to have been expended has actually been expended, and to determine whether the actual expenditure is truly stated and has been made in conformity to the law.

Salaries are paid by the Treasury, but authorities other than poor law authorities contribute thereto by means of a duty, paid by a stamp on the auditors' certificate of their accounts.

8 PROCEDURE in relation to the audit is as follows—

(1) Poor Law The District Auditor gives the officers of each Parish in the Union fourteen days' notice of the day on which he proposes to hold the audit. Books must be deposited seven clear days, at least, before the day fixed for the audit at some convenient place within each parish, and be open to the inspection of any person liable to be rated to the relief of the poor.

(2) In all other cases, notice is given by the Clerk to the Authority, and need only be seven clear days prior to the audit. Accounts are submitted in duplicate.

The auditor may summon any person interested before him, and require the production of any necessary documents. Rate-payers have a right to be present, and to object to the passing of any item. There are slight differences in procedure between the two audits, the most important being the power of enforcing an extraordinary audit under the Poor Law after three days' notice.

#### 9 DISALLOWANCE AND SURCHARGE

The auditor possesses power of disallowance and surcharge, and compelling the production of all necessary documents, etc.

The Local Authorities Expenses Act, 1887, provides that the District Auditor cannot disallow any expense allowed by the Ministry of Health.

Appeal from surcharge lies to the Ministry of Health or alternatively to move for a writ of *certiorari* in the King's Bench Division of the High Court of Justice.

## XI PUBLIC HEALTH

1 **EARLY SANITARY LEGISLATION** was in the form of local legislation introduced by progressive towns. The Industrial Revolution emphasized the necessity for collective action, with the result that, under the influence of the followers of Jeremy Bentham, certain Model Clauses Acts were passed between 1845 and 1847. The first Public Health Act was passed in 1848. Various Acts were passed from that time until 1875, principally as the result of the experimental private legislation of large towns.

2 **THE PUBLIC HEALTH ACT, 1875**, is the principal sanitary act. It consists of 11 Parts, 343 Sections and 5 Schedules. The parts are as follows, and are self-explanatory, viz.—

(1) Preliminary

(2) Authorities for execution of Act

(3) Sanitary Provisions, including regulations as to sewers and drains, powers for disposing of sewage, privies, waterclosets, scavenging and cleansing, offensive ditches and collections of matter, water supply, regulation of cellar dwellings and lodging houses, nuisances, offensive trades, unsound food, infectious diseases and hospitals, prevention of epidemic diseases, mortuaries, etc. Any citizen can ask the Sanitary Authority, as part of its duty, to inspect and report upon the sanitary condition of his house. For the purpose of the Rent and Mortgage Restriction Act, 1920, the local authority can make a charge of one shilling for a certificate.

(4) Local Government Provisions relating to highways and streets, public pleasure grounds, etc., markets and slaughter-houses, and police regulations.

(5) General Provisions regulating contracts, purchase of land, arbitration, by-laws, officers, conduct of business of local authorities.

(6) Rating and Borrowing Powers, etc., including the General District Rate, Private Improvement Rate, Highway Rate. Powers of borrowing are limited to a period not exceeding sixty years, and two years assessable value. Audit of Accounts of Local Authorities.

(7) Legal Proceedings, including Prosecution of Offences and Recovery of Penalties, etc.

(8) Alterations of Areas and Union of Districts. Port Sanitary Authority.

(9) Local Government Board, including Inquiries by Board,

Provisional Orders by Board, Power of Board to enforce Performance of Duty by Defaulting Local Authority, Power of Board in relation to Local Acts, etc

(10) Miscellaneous and Temporary Provisions

(11) Saving Clauses and Repeal of Acts

### 3 PORT SANITARY AUTHORITY

Appointed under the Public Health Act, 1875, by Provisional Order of the Ministry of Health. The Order constitutes one or more sanitary authorities the Port Sanitary Authority for the waters of the Port as defined in the Order. The sanitary duties of the Authority may be performed by the authority or delegated to one of the constituent authorities. The expenses are recovered by precepts issued on the respective local authorities.

### 4 INFECTIOUS DISEASES LEGISLATION includes—

The Infectious Diseases (Notification) Act, 1889

The Infectious Diseases (Prevention) Act, 1890

The Isolation Hospitals Act, 1893

The Infectious Diseases (Notification) Extension Act, 1890

The Public Health (Prevention and Treatment of Disease) Act, 1913

(1) The diseases to which the Acts at present apply include—smallpox, cholera, diphtheria, membranous croup, erysipelas, scarlatina or scarlet fever, typhus, typhoid, enteric, relapsing, continued or puerperal fever.

(2) The Ministry of Health may by order extend the Act to other diseases, any local authority may by resolution add other diseases subject to the approval of the Ministry. For example, under these provisions the Act has been made to apply to plague, pulmonary tuberculosis, ophthalmia neonatorum, and at the request of the Army Council to measles.

5 OTHER ACTS have been passed supplementing and extending the powers of local sanitary authorities, including—

The Sale of Food and Drugs Act, 1875

The Rivers Pollution Prevention Act, 1876

The Canal Boats Act, 1877

The Public Health (Water) Act, 1878

The Public Health (Intoxicants) Act, 1879

The Sale of Food and Drugs Act, 1879

The Canal Boats Act, 1884

The Public Health (Fruit Pickers' Lodgings) Act, 1882

The Public Health (Ships) Act, 1885

The Margarine Act, 1887

The Sale of Horse Flesh Act, 1889

The Public Health Acts Amendment Act, 1890

The Housing of the Working Classes Act 1890

- The Private Street Works Act, 1892
- The Rivers Pollution Prevention Act, 1893
- The Cleansing of Persons Act, 1897
- The Small Dwellings Acquisition Act, 1899
- The Sale of Food and Drugs Act, 1899
- The Housing of the Working Classes Act, 1900
- The Factory and Workshop Act, 1901
- The Midwives Act, 1902
- The Housing of the Working Classes Act, 1903
- The Public Health (Regulations as to Food) Act, 1907
- The Public Health Acts Amendment Act, 1907
- The Notification of Births Act, 1907
- The Housing and Town Planning, etc., Act, 1909
- The National Insurance Acts, 1911 to 1918
- The Notification of Births (Extension) Act, 1915
- The Midwives Act, 1918, provides that the local supervising authority may aid the training of midwives whether within or without their area, and may make grants for the purpose
- The Maternity and Child Welfare Act, 1918
- The Housing and Town Planning, etc., Act, 1919

THE MILK AND DAIRIES (CONSOLIDATION) ACT, 1915, shall come into operation on such date not being later than the expiration of one year after the termination of the war as the Ministry of Health may by Order direct. The principal provisions include—

(1) The Ministry of Health may make Milk and Dairies Orders as they think fit for all or any of the following purposes—

- (a) for the registration with local authorities of all persons carrying on the trade of dairymen,
- (b) for the registration with local authorities of all dairies,
- (c) for the inspection of cattle in dairies,
- (d) for the inspection by persons authorised by the local authority for the locality in which the dairy is situate of dairies and persons in or about dairies who have access to the milk or to the churns or other milk receptacles,
- (e) for prescribing and regulating the lighting, ventilation, cleansing, drainage and water supply of dairies in the occupation of persons following the trade of dairymen,
- (f) for securing the cleanliness of milk stores, milk shops, and milk vessels used for containing milk for sale by such persons,
- (g) for prescribing the precautions to be taken for protecting milk against infection or contamination,
- (h) for preventing danger to health from the sale for human consumption, or from the use in the manufacture of products for human consumption, of infected, contaminated, or dirty milk,
- (i) for regulating the cooling, conveyance and distribution

of milk intended for sale for human consumption, or for use in the manufacture of products for human consumption,

(j) as to the labelling, marking, or identification and the sealing or closing of churns, vessels and other receptacles of milk for sale for human consumption or used for the conveyance of milk,

(k) for prohibiting the addition of colouring matter, and for prohibiting or regulating the addition of skimmed or separated milk or water or any other substance to milk intended for sale for human consumption, or the abstraction therefrom of butter-fat or any other constituent, and for prohibiting or regulating the sale for human consumption of milk to which such an addition or from which such abstraction has been made, or which has been otherwise artificially treated,

(l) for authorizing the use in connection with the sale of milk, of the designation "certified milk," for prescribing the conditions subject to which milk may be sold under such designation, and for prohibiting the use of such designation in connection with the sale of milk in respect of which the prescribed conditions are not complied with,

(m) for authorizing a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions (if any) as the Ministry of Health prescribe

(2) A local authority and their officers for the purpose of enforcing a Milk and Dairies Order and any regulations made thereunder shall have the same right to be admitted to any premises as a local authority within the meaning of the Public Health Act, 1875

(3) If the Medical Officer of Health of a county or a county borough is of opinion that tuberculosis is caused, or is likely to be caused, by the consumption of the milk supplied from any dairy in which cows are kept within such county or county borough, steps prescribed in the Schedule of the Act will operate

(4) If the Medical Officer of Health of any local authority has reason to suspect that tuberculosis is caused, or is likely to be caused by the consumption of any milk which is being sold or exposed for sale he shall endeavour to ascertain the source or sources of supply and give notice of them to the Medical Officer of Health of the county or county borough in which the cows from which the milk is obtained are kept

(5) If a person sells or offers or exposes for sale, or suffers to be sold or offered or exposed for sale or uses or suffers to be used in the manufacture of products for human consumption the milk of any cow which has given tuberculous milk or is suffering in

manner stated in the Act, he shall be guilty of an offence against the Act

6 **THE NURSES REGISTRATION ACT, 1919**, establishes a General Nursing Council. This Council shall compile a Register of Nurses consisting of a general register and supplementary register for male, mental and sick children's nurses. The Council must draw up rules with regard to the Register including the conditions of admission. These rules must first be approved by the Ministry of Health. Unlawful assumption of the title of registered nurse will be subject to penalties.

7 **RATES** There is no statutory limitation to the amount of rates for public health purposes.

8 **LOANS** The amount of loans outstanding for public health purposes must not exceed twelve months' assessable value or with the approval of the Ministry of Health, after a local inquiry, two years' assessable value.

## \\ HIGHWAYS, STREETS, AND BRIDGES

1 THE KING'S HIGHWAY is a perpetual right of passage in the sovereign, for himself and his subjects, over another's land. The oldest existing highways are the Roman Watling Street which runs from Dover to London and from London to Chester, and the Fosse Way which runs from Somerset to Lincoln. "Way Wardens" duties were performed by the Overseers in the reign of Queen Elizabeth.

The first statute which organized the maintenance of roads, passed in 1555, created the office of Surveyor of Highways and the obligation on the part of the occupying inhabitants to contribute labour and materials to carry out the work.

2 THE GENERAL HIGHWAY ACT, 1835, was virtually the next act which developed the system of maintenance for each parish, and empowered it to levy a rate. The Act also sanctioned the appointment of a surveyor, who might be a salaried official, for each parish. Experience proved that the unit of the parish was too small, and the Public Health Act, 1848, made the new Local Boards of Health, as the urban sanitary authority, the Surveyor of Highways.

3 THE LOCAL GOVERNMENT ACT, 1894, definitely abolished both the Highway Districts and Highway Parishes, merging them into Rural Sanitary Districts.

4 MAIN ROADS are now maintained by the County Councils under the Local Government Act, 1888, which entitles the Urban District Councils to manage their several lengths of main roads and to be reimbursed the exact cost thereof by the County Councils.

5 SECONDARY ROADS are all other roads which have been adopted and are therefore maintainable by the inhabitants at large. They are administered by the sanitary authorities, including the Borough, Urban and Rural District Councils.

6 A PRIVATE ROAD or "Occupation Road" is a road which is not a public highway, but made for private purposes.

7 A STREET generally means a road which has houses on it more or less continuously on one or both sides of it.

8 THE PRIVATE STREET WORKS ACT, 1892, facilitates the method of adoption of private streets.

(1) The Act is adoptive by an urban sanitary authority by resolution passed at a meeting after one calendar month's notice has been given to every member of the authority.



(2) The Act may be extended by the Ministry of Health to any rural sanitary district

(3) Where any street or part of a street is not sewered, levelled, paved, metalled, flagged, channelled, made good, and lighted to the satisfaction of the local authority, the authority may resolve to undertake the work, and the expenses incurred shall be apportioned on the premises fronting, adjoining, or abutting on such street or part of a street

(4) For this purpose the surveyor shall prepare—

(a) A specification of the works referred to in the resolution

(b) An estimate of the probable expenses of the work

(c) A provisional apportionment of the estimated expenses

In such apportionment the authority may, if they think just, have regard to the greater or less degree of benefit and the amount of any work already done

(5) When the works have been completed and the expenses thereof ascertained, the local authority shall make a final apportionment, and any premises included shall remain charged with the sum, together with interest at the rate of 4 per cent per annum

9 **FOOTPATHS** were seldom seen prior to the nineteenth century. By the Local Government Act, 1894, the District Council was made liable for the maintenance of footpaths as well as highways. By the same Act the Parish Council was empowered to undertake the maintenance of any footpath not being by the side of a public road

10 **BRIDGES** The making of bridges was not made part of the common duty of any public authority until 1888, when it was entrusted to the County Council. Prior to this date, however, the law required their maintenance in repair. When a bridge had once been erected, it became a matter of obvious public convenience that it should be maintained

11 **FINANCE.** The expenses in connection with the construction and maintenance of highways, streets, and bridges are part of the public health charges of the respective local authorities

12 **THE DEVELOPMENT AND ROAD IMPROVEMENT FUNDS ACTS, 1909 AND 1910,** are referred to in Chapter II, together with the Ministry of Transport.

## XIII

### HOUSING

1 THE PROBLEM is due, among other causes, to—

(1) Past negligence on the part of the legislature, which first approached the subject on national lines in 1851

(2) Growth of sanitary knowledge with a recognition of the connection between bad housing and ill-health

(3) Increased cost of building and amount of rates, together with attractiveness of alternative investments and more stringent building regulations, which have checked the supply

(4) Cessation of building operations during the war and the difficulty of commanding an economic rent which has discouraged private enterprise

(5) Greater philanthropic interest in the welfare of the working classes

(6) A demand by the worker for a higher standard of life

2 LEGISLATION is now contained in the Housing of the Working Classes Acts, 1890 to 1903, and Part I of the Housing, Town Planning, etc., Acts, 1909 and 1919

It is remedial, constructive, and preventive

3 REMEDIAL provisions provide for—

(1) *Improvement Schemes* under Part I of the Act of 1890 for large areas—

(a) Prepared upon representation of the Medical Officer of Health or any justice or six ratepayers, or the Ministry of Health

(b) Scheme drawn up and advertised and notices served on owners. Must provide for re-housing a percentage of the dispossessed, unless the Ministry of Health otherwise decide

(c) Ministry of Health hold a local inquiry and may confirm the scheme, with or without modifications, which must then be put into operation by the local authority. The Ministry of Health may by order fix the time within which the work is to be done

(2) *Reconstruction Schemes*—

(a) Prepared upon similar representations under Part II of the Act of 1890 and Part I of the Housing and Town Planning, etc., Acts, 1909 and 1919

(b) Scheme drawn up and notices served on owners, but need not be advertised

(c) Inquiry held and similar procedure adopted as in the case of Improvement Schemes

(3) *Houses—*

(a) Any house unfit for human habitation must be closed by a "closing order"

(b) Action may be taken by the Medical Officer of Health, any justice of the peace acting for the district, or any four or more householders. Notice is served on the owner, who has a right of appeal to the Ministry of Health

(c) After three months, if the owner does not render house fit for habitation, the local authority may issue a "demolition order," which must be enforced within six months

4 CONSTRUCTIVE provisions under Part III of the Act of 1890 and Part I of the Housing and Town Planning, etc., Acts, 1909 and 1919, enable a local authority to—

(1) Acquire land by agreement, or compulsorily by means of an order confirmed by the Ministry of Health

(2) Build and manage houses, acquire existing houses and make them suitable for working-class dwellings, lay out public streets or contribute towards the cost of same

(3) Lease the land to any person who will undertake to build the class of house required, subject to the consent of the Ministry of Health

(4) Prepare and carry out a scheme with the approval of the Ministry of Health on failure to do which the Ministry will act

(5) Promote the formation of Public Utility Societies, give them money, lend them money, guarantee the payment of interest on loans, and, if necessary, acquire land for them

5 THE HOUSING (ADDITIONAL POWERS) ACT, 1919, provides grants to persons or bodies constructing houses for the working-classes, to meet expenses in converting houses into flats, empowers local authorities to raise money by issue of local bonds, and to acquire land for garden cities and town planning schemes. Power is given to prevent luxury building

6 THE SMALL DWELLINGS ACQUISITION ACT, 1899, and Part III of the Housing and Town Planning, etc., Act, 1919, may be adopted, whereby the local authority may advance money to a ratepayer four-fifths of their valuation of a house to be occupied by the applicant. Value must not exceed £800, and the rate of interest must not exceed one-half per cent above the rate at which the local authority can borrow from the Public Works Loan Commissioners

### 7 PREVENTIVE provisions provide—

(1) In the Housing and Town Planning, etc., Act, 1909, an implied warranty, on the part of the landlord to a tenant, that the house is reasonably fit for human habitation during tenancy in the case of houses where the rent is not more than—

- (a) £40 per annum in London,
- (b) £26 per annum in an urban area of 50,000 population,
- (c) £16 per annum elsewhere,

unless the letting is on lease for three years or more and the lessee is responsible for repairs

(2) Local authority to make periodical inspection of their district for the purpose of ascertaining whether any houses are unfit for habitation, and to keep records of such. Where a house is so discovered, then the local authority proceed as described under Clause 3 (3)

(3) Action may be taken against any person or local authority owing to excessive sickness due to bad housing or insanitary conditions in any locality, as provided by the National Health Insurance Acts, 1911 to 1920

### 8 HOUSING, TOWN PLANNING, ETC ACT, 1919

(1) It shall be the duty of every local authority, within three months after the passing of the Act, or within three months after notice has been given to them by the Ministry of Health, to prepare a scheme either solely or jointly, and to carry it out within the time specified in the scheme

(2) Where the local authority have failed or are not prepared to fulfil their obligations as to the preparation of schemes under this Act, or their obligations under any such scheme or it is desirable that any such obligation should be performed otherwise, the Ministry of Health may transfer its powers to the County Council or may themselves carry out the obligation. In either case the expense thereof shall be recoverable from the Local authority

(3) Where the Ministry of Health are satisfied that a local authority ought to prepare an improvement scheme, and the local authority fail within a prescribed time to do so, the Board may authorize the County Council to prepare and carry out the scheme, or may themselves prepare and carry it out

(4) The Ministry of Health may, with the consent of the Treasury, pay out of money provided by Parliament part of the loss on any scheme. Local liability will be limited to a penny rate

(5) Where compensation is paid for land acquired compulsorily, "the compensation to be paid for the land, including any buildings thereon, shall be the value at the time the valuation is made of the land as a site cleared of buildings"

(6) Power is given to local authorities to acquire land and buildings for various purposes

(7) Loans may be granted to Public Utility Societies  $\frac{1}{2}$  payable within fifty years Any local authority may assist societies (a) by making grants or loans, (b) by subscribing for any share or loan capital, (c) by guaranteeing or joining in guaranteeing the payment of interest or money borrowed by the society This is a direct encouragement of the Garden City movement

(8) Local by-laws which are inconsistent with plans approved by the Board in a housing scheme are not to apply

(9) Local authorities are given express powers to acquire existing houses and to make any alterations necessary to render them in all respects suitable for working-class dwellings

(10) For this purpose, local authorities are empowered to vary the terms of a lease which, while not preventing conversion, would render it impossible to effect the structural alterations

(11) Local authorities are enabled to lease land acquired by them for development by private persons or societies as a building estate

(12) The limits under the Small Dwellings Acquisition Act, 1899, shall be the market value of houses at £800 (instead of £400), and the amount advanced shall be 85 per cent instead of 80 per cent

(13) Local authorities may appoint so many persons as they may think fit for the purposes of the Housing Acts to constitute a committee provided that a committee so appointed shall consist as to a majority of its members of members of the appointed authority

**9 RATES** The expenses incurred by a local authority in the execution of the Housing Acts shall be defrayed as general expenses of the council in the execution of the Public Health Acts

**10. LOANS** Money borrowed for the purpose of the Housing Acts is not reckoned as part of the debt of the local authority for the purpose of the limitation on borrowing under the Public Health Acts Repayment may be spread over a period not exceeding eighty years for land and sixty years for buildings

**11 ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION)** Act, 1919, provides for the setting up of a tribunal for assessing compensation in respect of land compulsorily acquired for public purposes For this purpose persons with special knowledge in the valuation of land shall be appointed by the Reference Committee consisting in—

(1) England and Wales of the Lord Chief Justice of England, the Master of the Rolls and the President of the Surveyors' Institution

(2), Scotland of the Lord President of the Court of Session, the Lord Justice Clerk and the Chairman of the Scottish Committee of the Surveyors' Institution

(3) Ireland of the Lord Chief Justice of Ireland, the Master of the Rolls in Ireland, and the President of the Surveyors' Institution

Rules for the assessment of compensation, provision as to procedure before official arbitrators and as to costs are made in the Act, and various aspects relating to the effect of the Act on existing enactments and provision made for finality of award and statement of special cases

## TOWN PLANNING

1 THE EARLIEST FORM is to be seen in the rectangular streets in Greece and Rome. The system was revived at the time of the Renaissance, followed by the planning of Bath, Edinburgh, and the numerous squares in the West End of London.

2 THE LAW is now contained in the Lands Clauses Consolidation Act, 1845, the Town Improvement Clauses Act, 1847, the Public Health Acts, and Part II of the Housing, Town Planning Acts, etc., 1909 and 1919.

3 OBJECT To ensure, by means of schemes which may be prepared either by local authorities or landowners, that, in future, land in the vicinity of towns shall be developed in such a way as to secure proper sanitary conditions, amenity and convenience in connection with the laying out, either of the land itself, or of any neighbouring land.

4 The Acts may be put into operation by—

(1) All or any of the Landowners, who may formulate a scheme, which, if approved by the Ministry of Health, the local authority is compelled to adopt.

(2) The Local Authority, viz., the Council of any borough, urban or rural district, who may prepare a scheme, but before expending public money the sanction of the Ministry of Health must be obtained. Joint Committees may be formed for the purpose.

(3) Anyone else, who may make a representation to the Ministry of Health that a scheme should be prepared. The Ministry may, after public inquiry, make an order accordingly, which is enforced by the local authority. (In practice this has not yet been done.)

5 AREA OF SCHEME may be—

(1) Any land which is in course of development, or appears likely to be used for building purposes, or for open spaces, roads, streets, parks, pleasure or recreation grounds or incidental works.

(2) Land already built upon, and the scheme may provide for demolishing or altering existing buildings.

(3) Land not likely to be built upon, if, in any case, it is so situated that it ought to be included in the scheme.

A local authority may be authorized to prepare a scheme for land within or in the neighbourhood of their area.

6 PROCEDURE for adoption of Scheme—

(1) Owners and occupiers of land included in the scheme must have notice, and be allowed to inspect a map of the area.

(2) A scheme, when approved by the Ministry of Health, has the same effect as an Act of Parliament, and provision is made that a local authority shall proceed with all reasonable speed

(3) A scheme may be varied or revoked. Where a scheme is revoked by an Order of the Ministry of Health, any person incurring expenditure in complying with the scheme is entitled to compensation

(4) If the local authority fail to prepare a scheme, adopt a scheme or refuse to consent to modifications, the Ministry of Health may enforce compliance by writ of mandamus

#### 7 HOUSING, TOWN PLANNING, ETC ACT, 1919 provides—

(1) It shall not be necessary for a local authority to obtain the authority of the Ministry of Health to prepare and adopt a town planning scheme. Where land is included which lies within the area of another local authority, the approval of the Ministry of Health is still required. A local authority may by resolution decide—

(a) To prepare a scheme with reference to any land within or in the neighbourhood of their area

(b) To adopt, with or without any modification, any scheme proposed by all or any of the owners of any land with respect to which the local authority are themselves authorized to prepare a scheme

(2) Where any local authorities are desirous of acting jointly in the preparation or adoption of a scheme, they may appoint a joint committee for the purpose

(3) Schemes, in accordance with regulations of the Ministry laid before Parliament, must be submitted to the Ministry within three years after 1st January, 1923, by the Council of every Borough or other Urban District containing on the 1st January, 1923, a population of over 20,000 according to the last census

(4) The Ministry may, after holding a public local inquiry at any time, by order require any local authority to prepare and submit for their approval a town planning scheme, and to enforce and carry out an approved scheme

8 EXPENSES of Local Authority for the purposes of town planning shall be defrayed as expenses of the authority under the Public Health Acts

9 LOANS The provisions of the Public Health Acts in respect of borrowing apply to loans for town planning. Money so borrowed is not to be reckoned as part of the debt of a borough or urban district for purposes of the limitation on borrowing under the Public Health Acts. Repayment may be spread over a period not exceeding eighty years



## THE ADOPTIVE ACTS (INCLUDING SMALL HOLDINGS AND ALLOTMENTS ACTS)

1 THE ADOPTIVE ACTS constitute a form of tentative legislation and are examples of permissive Local Government legislation. May be divided into two classes, viz —

(1) Sanitary Adoptive Acts which may be adopted by any sanitary authority

(2) Parochial Adoptive Acts which may be adopted by any Parish Council (with the approval of the Parish Meeting), and by any Urban District Council or Borough Council

### 2 SANITARY ADOPTIVE ACTS include—

(1) Public Health Acts Amendment Act, 1890

Part III only is adoptive by any rural sanitary authority. Parts II to V may be adopted by any urban sanitary authority.

(2) Museum and Gymnasium Act, 1891, gives power to urban sanitary authorities to provide and maintain museums and gymnasia. The total annual expense must not exceed the product of a halfpenny rate. New museums can only be provided in connection with a free public library.

(3) Private Street Works Act, 1892, provides facilities for the recovery, from the owner, of expenses of making private streets (See Chapter XII)

(4) Open Spaces Act, 1906, gives power to local authorities to take over, from Trustees or Corporations (other than municipal corporations) under local acts, Open Spaces and Burial Grounds, including disused Burial Grounds. Local Authorities may acquire and maintain Open Spaces or Burial Grounds and make by-laws for the regulation thereof.

(5) Public Health Acts Amendment Act, 1907, is adoptive by either an urban or a rural sanitary authority.

### 3 PAROCHIAL ADOPTIVE ACTS include—

(1) Lighting and Watching Act, 1833, enables a parish to provide or enter into contracts for the provision of lighting the roads, streets, etc.

(2) Baths and Washhouses Acts, 1846 to 1899, may be adopted upon the requisition of ten electors, for the provision of baths, gymnasia and washhouses.

(3) Burial Acts, 1852 to 1906, provide for the Parish Council to be represented upon the Burial Board. These Acts have been largely superseded by the Public Health Acts (Interments) Act, 1879.

(4) Public Improvement Act, 1860, makes provision for village greens and recreation grounds, etc., limited to an expense equal to a rate of sixpence in the pound.

(5) Public Libraries Acts, 1892 to 1919, provide that any ten electors may demand a poll, upon the result of which, by a bare majority, Reference and Lending Library and Museum may be provided. By the Public Libraries Act, 1919, the maximum expenditure equal to a penny rate is done away with, and the County Councils are authorized to establish libraries for any borough or district within the county which does not already possess one.

4 SMALL HOLDINGS AND ALLOTMENTS ACT, 1908, AND THE LAND SETTLEMENT (FACILITIES) ACT, 1919, enact that allotments must be provided for the population by the Town or District Council, or, in rural districts, the Parish Council. Land for allotments may be bought or hired compulsorily by means of a Provisional Order confirmed by the Ministry of Agriculture and Fisheries.

(1) A Small Holding is one which either exceeds one acre but does not exceed fifty acres in extent, or, where it exceeds the latter area, is not assessed for Income Tax beyond £50. The administration of Small Holdings is under the control of the County Council.

(2) An Allotment may not exceed an area of five acres. May be provided by the council of any borough, urban district or parish. Any six registered parliamentary electors or ratepayers may make representations to the council, and it is the duty of the County Council to ascertain the extent of this demand.

5 THE SMALL HOLDING COLONIES ACTS, 1916 and 1918, provide that the Ministry of Agriculture and Fisheries for the purposes of the acquisition, equipment, and settlement of the area authorized to be acquired may, as respects any council, with the consent of the Council of that county, employ that county as their agents and vest in them all or any of their powers in addition to those vested in such council by virtue of the Small Holdings and Allotments Act, 1908.

6 THE LAND DRAINAGE ACT, 1918, provides that where the council of a county or county borough in which the drainage area of any drainage authority is situate present a petition to the Board of Agriculture and Fisheries for the purpose the Board may, after consultation with the Ministry of Health, transfer to the council or councils the powers, duties, property and obligations of the drainage authority.

## MUNICIPAL TRADING

1 **DEFINITION** A term applied to those services for which local authorities make a charge to the persons benefited. Such services are in the nature of trading undertakings. The term "trading undertaking" may be taken to mean gasworks, waterworks, electricity, tramway and light railway undertakings, and any other exceptional undertakings (such as harbours and ferries) which are carried on under local Acts and in respect of which it is requisite to arrive at an accurate statement of profit and loss.

2 **CERTAIN OTHER SERVICES** which are carried on by local authorities under their general statutory powers and which, though not expected to be profitable, might reasonably be expected to support themselves independently of the rates, may also be classified under this head. To this class belong housing schemes, carried on under the general law, and all such works as are rechargable, partly or entirely, to others, as in the case of private street works and improvements.

### 3 CLASSES OF UNDERTAKINGS—

- (i) (a) A monopoly with a profit, *eg*, tramways, markets, electricity and gasworks.
- (b) A monopoly, but no profit, *eg*, waterworks, cemeteries.
- (ii) (a) No monopoly, but a profit, *eg*, by-products, such as slabs manufactured from clinkers, coke, and tar.
- (b) No monopoly and no profit, *eg*, baths, housing schemes.

### 4 CAUSES OF DEVELOPMENT—

- (1) Prevention of private exploiting of public monopolies by diverting private profits to local use.
- (2) Zeal of permanent officials, who desire the extension of municipal enterprise.
- (3) Increasing tendency for undertakings to combine to the disadvantage of the public.
- (4) Public desire for a voice in the management of public services.

### 5 ADVANTAGES CLAIMED by supporters of municipal trading—

- (1) Is in the interest of public health and convenience.
- (2) Provision is made for reduced prices, and improved services.
- (3) Profits pass to the relief of the rates, and not into the hands of a limited number of shareholders.

### 6 DISADVANTAGES CLAIMED by opponents of municipal trading—

- (1) Lowers the efficiency of local authorities.

- (2) Possibility of corruption in administration
- (3) Less efficient and more expensive than private enterprise
- (4) Diminishes competition and checks enterprise, although these may exist among local authorities
- (5) Increased debt may militate against the general borrowing powers of local government authorities

7 PRINCIPAL UNDERTAKINGS include—

- (1) Markets, under the Public Health Acts
- (2) Water, under the Public Health Acts
- (3) Tramways, under the Tramways Act, 1870
- (4) Electric Power, under the Electric Lighting Acts, 1882 to 1919
- (5) Gas Supply, under the Gas and Water Works Facilities Act, 1870
- (6) Light Railways, under the Light Railways Acts, 1896 to 1912
- (7) Ferries, By the Ferries Act, 1919, a County or a District Council may, with the consent of the Ministry of Transport, acquire and work an existing ferry. The tolls must be approved by the Ministry
- (8) Profiteering Act, 1919. For powers of local authorities in trading under this Act, see page 31

Many local authorities have private Acts of Parliament which supplement their powers under the above Acts

8 MUNICIPAL SAVINGS BANKS (WAR LOAN INVESTMENT) ACT, 1916, provides that the Council of municipal boroughs in England, and royal, parliamentary and police boroughs in Scotland, having a population according to the census of 1911, of not less than 25,000 may, with the consent of the Treasury after consultation with the Ministry of Health or in the case of Scotland with the Secretary for Scotland, establish and maintain a savings bank, and receive at that bank deposits, and guarantee the payment of interest on and the repayment of such deposits. The bank shall not be carried on after the expiration of three months from the termination of the war, and deposits can only be received from persons in the employment of some other persons and made through their employers. The rate of interest payable on deposits shall be subject to the approval of the Treasury.

Local authorities have no general powers to establish ordinary Savings Banks such as that established by the Birmingham Corporation.

## XVII

### POLICE

1 BROADLY speaking, the maintenance of public order is effected by two kinds of agencies, those known as the Police and Justice. The former is obviously derived from the same word as Politics, and implies a close and essential connection with the work of the State. It is concerned rather with the prevention of violence, than with the causes which lead to violence. The Police means the police force—the body of constables—the primary constitutional force for the protection of individuals in the enjoyment of their legal rights.

2 The maintenance of the King's Peace or the Peace of the Nation appears to have been the special duty of the Master of the Royal Stables or the Comes Stabuli (the constable). The office of High Constable was created by the Statute of Winchester, 1285. Petty Constables did not exist until the reign of Edward III. The village and the burgial watch was instituted in the thirteenth century. Until 1856 every township maintained its own parish constable.

3 DUTIES OF THE POLICE include the prevention and detection of crime, the maintenance of good order, inspections under various statutes, and the discharge of miscellaneous duties.

4 POLICE FORCES of England are of four classes—

- (1) County Forces, under a Standing Joint Committee
- (2) Borough Forces, under a Watch Committee
- (3) Metropolitan Force, under the Home Office
- (4) City of London Force, under the City Corporation

5 COUNTY POLICE are appointed under the Police Act, 1856, and the Local Government Act, 1888. By the latter statute the powers, duties and liabilities of quarter sessions and magistrates out of session, respecting the county police are exercised and discharged through a Standing Joint Committee, consisting of an equal number of justices and of members of the County Council.

6 BOROUGH POLICE are appointed under the Police Acts, 1839 to 1919, and the Municipal Corporations Act, 1882, in boroughs having a population of not less than 10,000. No new borough force can be established where population is less than 20,000.

The Acts are administered by a Watch Committee, consisting of not more than one-third of the members of the Council, together with the Mayor.

7 THE CENTRAL AUTHORITY is in the hands of the Home Secretary, and by the County & Borough Police Act, 1856, power is given to the Crown to appoint inspectors of constabulary for visiting and inquiring into the state and efficiency of the force. Each inspector is required to report generally upon these matters to the Secretary of State who issues a certificate of efficiency for the purpose of the grant from the Local Taxation Account. The Police Forces form, for the purposes of inspection, two districts—northern and southern.

#### 8 OFFICERS include—

- |                             |                |
|-----------------------------|----------------|
| (1) Chief or Head Constable | (4) Sergeants  |
| (2) Superintendents         | (5) Constables |
| (3) Inspectors              |                |

#### 9 SUPERANNUATION

- (1) After 25 years' service
- (2) Amount not less than one-half nor more than two-thirds wages
- (3) Gratuities for under 15 years' service, also to widows and children, and pensions to widows in accordance with the Police (Pensions) Act, 1918
- (4) Fund provided by
  - (a) Deduction of 2½ per cent from pay,
  - (b) Stoppages from and fines upon officers, and some other fines,
  - (c) Sale of cast-off clothes,
  - (d) Deficiency from Borough Fund or County Fund
- (5) Police Acts, 1906 and 1908, authorize police authority to
  - (a) Guarantee pensions to officers who continue in force after completing 25 years' service
  - (b) Grant extra pay to such officers during such continuance, such extra pay not to be pensionable nor subject to deductions.

10 EXPENSES. On a certificate from the Home Secretary that an efficient police is established, one-half of the cost of pay and clothing of every force is contributed from the Exchequer Contribution Account. The balance is defrayed, in the case of the Borough, out of the Borough Fund or Watch Rate, and in the County as Special Expenses charge out of the County Fund.

11 SPECIAL CONSTABLES act in cases of emergencies. Where there are no volunteers, the office is, by the Special Constables Act of 1831, compulsory on appointment, by two justices, from among residents in the neighbourhood not exempt from serving as parish constables. A refusal to serve is punishable by a fine of five pounds.

12 PARISH CONSTABLES are appointed under the Parish Constables Act, 1842, from among persons between the ages of 25 and 45, rated to the relief of the poor or to the County Rate, and occupying tenements of an annual yearly value of £4

13 POLICE FEDERATION was established by the Police Act, 1919, for the purpose of enabling the members of the police forces of England and Wales to consider and bring to the notice of the police authorities and the Secretary of State all matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals. The police are forbidden to join any other Trade Union.

## XVIII

### EDUCATION

#### PART I THE EDUCATION ACT, 1902

1 EDUCATION is that function in life which will develop the faculties of the individual in such a way that he will not only be able to fulfil his allotted task as an ordinary tradesman or professional man, but will also become best fitted to serve the community in which he dwells, and to render that service which shall enable him to leave the world better than he found it. Education makes or should make the individual, as an individual, realize his highest potentialities

2 THE SYSTEM OF EDUCATION in this country is regulated by the Education Acts, 1870 to 1918, and is under the control of the Board of Education

#### 3 DEFINITIONS—

(1) Elementary education is the education of children up to sixteen or seventeen, within the limits of the Code issued by the Board of Education

(2) Higher Education means all forms of education other than elementary, viz —

(a) Technical Education includes instruction in the arts and sciences underlying some trade or profession

(b) Commercial Education includes instruction in the art of disposing of the products of industry to the best advantage

(c) Secondary Education includes that class of education which lies between the elementary schools and the universities, whether self-contained or leading to higher teaching

(d) Day Continuation Schools are provided in accordance with the Education Act, 1918

(e) University Education includes training at a university or university college

4 LOCAL EDUCATION AUTHORITIES were established by the Education Act, 1902

There are two classes—

(1) Local Education Authority for higher and elementary education in each County and County Borough, and for the County of London

(2) Local Education Authority for elementary education in each—

(a) Borough with a population of over 10,000

(b) Urban District with a population of over 20,000



Any non-county borough or urban district may supply or aid the supply of education other than elementary, and provision is now made for schemes of co-operation between County Councils and other authorities within their area

5 EDUCATION COMMITTEES are appointed by Council under a scheme approved by Board of Education, providing for—

(1) Majority of members to be councillors unless, in the case of a county, the council otherwise determine

(2) Co-option by the council, on the nomination or recommendation of other bodies, of persons of experience in education

(3) The inclusion of women among the members

Education Committees have complete control, except in matters of rating and borrowing

#### 6 MANAGEMENT OF ELEMENTARY SCHOOLS

Elementary School means a school or department of a school at which elementary education is the principal part of the education there given

There are two classes of Elementary Schools, viz Provided and Non-Provided

The Managers are appointed as follows Where school is—

(1) Provided by the local education authority—

(a) In a county—four by the County Council, two by the minor local authority

(b) In a borough or urban district—such number as the Council determine

(2) Not provided by the local education authority—

Not exceeding four foundation managers, together with—

(a) In a county—one by the County Council, one by the minor local authority

(b) In a borough or urban district, two managers appointed by the Council

Minor local authority means the Council of any borough, urban district, or parish, or the parish meeting of the area served by the school

7 FINANCE Funds are derived from the following sources—

(1) Endowments

(4) Rates

(2) Fees

(5) Loans

(3) Government Grants

(6) Miscellaneous

8 RATING—

(1) Elementary Education—no statutory limit

(2) Higher Education

(a) County Council—the limit of twopence in the pound, or such higher rate as the Ministry of Health may approve, was repealed by the Education Act, 1918

(b) County borough—no statutory limit

(c) Non-county borough or urban district are limited to the proceeds of one penny in the pound

9 **LOANS** Repayable over a period not exceeding sixty years Money so borrowed is not to be reckoned as part of the total debt of the county, county borough, borough, or urban district for the purpose of the limitation on borrowing

10 **ACCOUNTS** are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health

## PART II. LEGISLATION SINCE 1902

### 1 EDUCATION (ADMINISTRATIVE PROVISIONS) ACT, 1907

(1) Local education authority for elementary education have

(a) *Power to provide—*

(i) Scholarships or bursaries for scholars from age of twelve (*See Education Act, 1918, Section 24*)

(ii) Attendance to the health and physical condition of scholars in public elementary schools

(iii) Vacation schools, vacation classes, and play centres or other means of recreation for scholars

(b) *Duty to provide for the medical inspection of children*  
According to present arrangements inspection must take place during the first school year, during the year after a child's twelfth birthday, and at some intermediate period

(2) Registration Council is constituted by the Privy Council, to which is assigned the duty of forming and keeping a register of such teachers who—

(a) Satisfy the conditions of registration established by the Council

(b) Apply to be registered

2 **EDUCATION (ADMINISTRATIVE PROVISIONS) No 2 ACT, 1911**, provides exemption of school buildings from building by-laws made by any local sanitary authority, where plans are approved by Board of Education

3 **MENTAL DEFICIENCY ACT, 1913**, provides that the duties of the local education authority shall include a duty to make arrangements, subject to the approval of the Board of Education—

(1) For ascertaining—

(a) What children over the age of seven within their area are mentally defective

(b) Which of such children are incapable, by reason of mental defect, of receiving benefit or further benefit from instruction in special schools or classes provided under the Elementary Education (Defective and Epileptic Children) Act, 1899

(2) For notifying to the local authority under the Act the names and addresses of defective children, who on or before attaining the age of sixteen are about to be withdrawn from a special school or class and concerning whom the local education authority are of opinion that it would be to their benefit that they should be sent to an institution or placed under guardianship

#### 4 ELEMENTARY EDUCATION (DEFECTIVE AND EPILEPTIC CHILDREN) ACT, 1914 (*see also* Education Act, 1918, Section 20)—

(1) Duties of local education authority for the purposes of the Elementary Education (Defective and Epileptic Children) Act, 1899, to include making suitable provision either alone or in conjunction with other local education authority for the education of children belonging to their area whose age exceeds seven years and who are ascertained to be mentally defective within the meaning of the Act of 1899

(2) Local education authority required to consult parents of children, and co-operate as far as possible with other authorities

(3) Council of urban district or non-county borough may, by agreement, delegate its powers to the County Council

(4) Local education authority may obtain an order, from a court of summary jurisdiction, requiring the child to be sent to a special school

(5) On child's discharge as no longer defective, certificate of defect to be returned

#### 5 LOCAL EDUCATION AUTHORITY (MEDICAL TREATMENT) ACT, 1909, empowers the local education authority to recover from parents, summarily as a civil debt, the cost of medical treatment of their children

#### 6 EDUCATION (PROVISION OF MEALS) ACTS, 1906 AND 1914, are administered by local education authority for elementary education

(1) The local education authority may take steps for provision of meals for children attending their public elementary schools, and for that purpose may—

(a) Associate themselves with a School Canteen Committee.

(b) Provide that Committee, without limit as to expenditure, with land, buildings, furniture, apparatus, and such officers and servants as may be necessary for organization, preparation and service of such meals. Local education authority cannot purchase food save as hereinafter provided

(2) Where local education authority resolve that children cannot take advantage of education by lack of food, and ascertain

that there is inadequate voluntary provision, they may spend out of the rates such sums as may be necessary to meet the cost of the provision of food. The powers of the local education authority shall be exercisable in respect of children attending a public elementary school within their area, both on days when the school meets and on other days.

(3) Cost of meals is recoverable from parents as a summary debt.

(4) No teacher is to be required as part of his duties to assist.

7 EDUCATION (CHOICE OF EMPLOYMENT) ACT, 1910 Powers of Councils of county, county borough, non-county borough, and urban district for higher education shall include power to make arrangements, subject to the approval of the Board of Education, to give boys and girls under seventeen years of age assistance with respect to the choice of suitable employment by—

(a) Collecting and communication of information

(b) Furnishing of advice

The Education Act, 1918 (Section 22), substitutes eighteen years for seventeen years.

### PART III THE EDUCATION ACT, 1918

1 EDUCATION BILL, first introduced in the House of Commons by the Right Hon H A L Fisher, 10th August, 1917. Certain administrative proposals were strongly opposed and the Bill was withdrawn. It was introduced again on the 14th January, 1918, with important amendments, the outcome of negotiations with Local Authorities. It died with the early close of the Parliamentary session. The third Bill, and present Act, was the outcome of negotiations for the adjustment of difficulties. It was introduced on the 25th February, 1918, passed its second reading 18th March without a division, entered the Committee stage 7th May, and received the Royal Assent, 10th August, 1918.

2 OBJECTS. The fundamental purpose of the new Act is "the progressive development and comprehensive organization of education" available for all persons capable of profiting thereby. Until the passing of the Act our educational system had merely supplemented voluntary effort. The new Act is intended to establish a system of national education.

3 LOCAL EDUCATION AUTHORITIES within the meaning of the Education Act 1902, are called upon to discharge certain *duties*, and *powers* are given them to undertake other functions.

4 THE DUTIES OF THE LOCAL EDUCATION AUTHORITY—

(1) To SUBMIT SCHEMES to the Board of Education showing the mode in which their duties and powers under the Education

Acts are to be performed and exercised whether separately or in co-operation with other authorities (Section 1)

(2) To ADAPT THE TEACHING in the higher classes of public elementary schools to the requirements of older children, and especially to provide practical instruction, and courses of advanced instruction, and to arrange for the transfer of children to higher schools when desirable (Section 2)

(3) To RAISE THE AGE of compulsory attendance at elementary schools to fourteen years [Section 8 (1)], such age to be deemed to be attained at the end of the school term [Section 9 (1)], and to admit children only at the commencement of a school term [Section 9 (2)]

### Continuation Schools

(4) To provide PART-TIME CONTINUATION SCHOOLS for young persons up to the age of eighteen, free of fees Provided that

(a) the obligation shall not, within a period of seven years from the appointed day, apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period, and

(b) during the like period, if the local education authority so resolve, the number of hours in each year shall be two hundred and eighty instead of three hundred and twenty

This Section 10 is the heart of the Act The appointed day will probably be in the Autumn, 1921

EXEMPTION from obligation to attend continuation schools is provided for any young person—

(a) who is above the age of fourteen on the appointed day, or

(b) who has satisfactorily completed a course of training for, and is engaged in the sea service in accordance with any national scheme,

(c) who is above the age of sixteen and either

(i) has passed the matriculation examination of a university of the United Kingdom or an examination equivalent thereto, or

(ii) is shown to the satisfaction of the local education authority to have been up to the age of sixteen under suitable and efficient full-time instruction

THE OBLIGATION TO ATTEND continuation schools shall not apply to any young person who is shown to the satisfaction of the local education authority to be under suitable and efficient

\* (a) full-time instruction in some other manner,

(b) part-time instruction in some other manner for a number

of hours equal to those required for attendance at a continuation school,

(c) where a British University or the Central Welsh Board reports to the Board of Education that a secondary school makes satisfactory provision for the education of the scholars, such a school shall for the purposes of this section be treated as recognized by the Board of Education as efficient

ATTENDANCE shall not be required on a Sunday or during a holiday or half-holiday, nor between the hours of seven in the evening and eight in the morning, except in the case of young persons employed at night or otherwise employed at abnormal times.

### Employment of Children

(5) TO ACT AS LOCAL AUTHORITY under the Employment of Children Act, 1903 [Section 13 (1) (iv)] A child under the age of twelve shall not be employed at all. A child of twelve or upwards shall not be employed on any Sunday for more than two hours, nor on any school day before the close of school hours on that day, nor on any other day before six a.m. or after eight p.m. [Section 13 (1) (i)] A child cannot be employed in street trading [Section 13 (1) (ii)] Section 13 (2) further limits the hours of children performing. Section 14 prohibits the employment of children in factories, workshops, mines, and quarries

### Miscellaneous Duties

(6) TO PROVIDE FOR THE EDUCATION OF PHYSICALLY DEFECTIVE AND EPILEPTIC CHILDREN as soon as the appointed day is fixed. If they cannot do this by means of day schools, they are not to be obliged to provide for the board and lodging of them for seven years (Section 20 incorporates the Elementary Education (Defective and Epileptic Children) Act, 1914)

(7) TO ADMINISTER THE EDUCATION (CHOICE OF EMPLOYMENT) Act, 1910, in respect of young persons up to the age of eighteen years (Section 22)

(8) TO APPOINT TEACHERS of special subjects not attached to the staffs of non-provided schools and to direct the admission of any such teachers to the schools (Section 29)

(9) To include a power to prosecute any person under Section 12 of the Children Act, 1908 (relating to Cruelty), where the person against whom the offence was committed was a child, and pay any expenses incidental to the prosecution (Section 39).

5 POWERS are given to the local education authorities—

(1) To COMBINE voluntarily to form Joint Committees, or\* Body of Managers, or Federations for carrying out work of

common interest. A scheme constituting such shall provide for the appointment of at least two-thirds of the members by councils, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education (Section 6)

(2) To EXTEND THE SCHOOL AGE to fifteen years by by-laws (Section 8 (2) ) Local authorities should consider this in view of the unemployment among young people

(3) To MAKE A BY-LAW that parents shall not be required to cause their children to attend school before the age of six years (Section 8 (4) )

(4) To REQUIRE PUPILS of non-provided schools to attend classes in other institutions for the purpose of practical or special instruction or demonstration (Section 8 (6) )

(5) To PROHIBIT OR MODIFY the conditions of employment of a child when there is reason to believe that those conditions are prejudicial to his health or physical development (Section 15)

(6) To ESTABLISH HOLIDAY AND SCHOOL CAMPS and other facilities for social and physical instruction for children and young persons, and persons over the age of eighteen attending educational institutions (Section 17)

(7) To PROVIDE MEDICAL INSPECTION and treatment in secondary and other educational institutions, continuation schools, and schools provided by them as hitherto in public elementary schools. To extend such provisions to any other school or educational institution, whether aided by them or not, if so requested by the management (Section 18)

(8) To PROVIDE OR AID THE SUPPLY OF NURSERY SCHOOLS for children over two and under five years of age, and to attend to the health, nourishment, and physical welfare of the children attending them (Section 19)

(9) To MAKE SUCH ARRANGEMENTS, of either a permanent or temporary character, and including board and lodging for children otherwise unable to receive the benefit of efficient elementary education (Section 21)

(10) To AID TEACHERS AND STUDENTS to carry on an investigation for the advancement of learning or research in, or in connection with, an educational institution (Section 23).

(11) To PROVIDE ALLOWANCE for maintenance in connection with any scholarships awarded (Section 24)

(12) To REQUIRE MANAGERS to admit to non-provided schools teachers of secular subjects not attached to the staff of any

particular public elementary school and who are appointed by the local education authority (Section 29)

(13) <sup>3</sup> TO DISTRIBUTE THE CHILDREN attending two or more non-provided schools according to age, sex or attainments and otherwise for the purposes of educational efficiency and economy (Section 31)

#### General

(1) LOCAL EDUCATION AUTHORITIES are to avail themselves of the services of private medical practitioners for the medical treatment of children and young persons (Section 25)

(2) THE BOARD OF EDUCATION may, free of cost, inspect and report upon any educational institution if requested by the governing body or headmaster (Section 27)

(3) THE SECRETARY or person performing such duty to furnish Board with the name and address of the school or institution and a short description thereof (Section 28)

(4) MANAGERS of a NON-PROVIDED public elementary school shall give eighteen months' notice to the local education authority of their intention to close the school (Section 30)

(5) A LOCAL EDUCATION AUTHORITY may be authorized to purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts by means of an order confirmed by the Board of Education in accordance with the First Schedule to the Housing, Town Planning, etc., Act, 1909 (Section 34)

(6) A LOCAL EDUCATION AUTHORITY may, with the consent of the Board of Education, provide a public elementary school outside their area for the use of children within their area (Section 35)

#### Finance

(1) THE LIMIT ON THE AMOUNT to be raised by a County Council out of rates for the purpose of education other than elementary shall cease to have effect (Section 7)

(2) NO FEES SHALL BE CHARGED in any public elementary school, except for Meals and Medical Treatment. During a period of five years the Board of Education shall pay to the managers of a school the average yearly sum paid during the five years immediately preceding (Section 26)

The Act retained fees in secondary schools and abolished them in elementary schools, and provided for free education in continuation schools. In other words, it applied the principle that where education was compulsory it was to be given without charge to the parents, but where the parent had an option whether



or not to send his child to a particular type of school there he should be at liberty to pay fees

(3) COUNTY COUNCIL is no longer required to charge on or raise within particular areas any portion of educational expenses and before doing so shall consult the Council of such borough or urban district (Section 36)

(4) BOARD OF EDUCATION GRANTS shall not be less than one-half of the net expenditure of the authority recognized by the Board of Education, and if the total sums payable fall short of one-half of that expenditure there shall be paid a deficiency grant equal to the amount of the deficiency (Section 44)

#### Educational Trusts

(1) His Majesty may by Order in Council constitute and incorporate, with power to hold land without licence in mortmain, one or more official trustees of educational trust property

(2) On the constitution of an official trustee or official trustees of educational trust property

(a) All lands or estates or interests in land then vested in the official trustee of charity lands which are held by him as endowments for solely educational purposes, and

(b) all securities then invested in the official trustees of charitable funds which those trustees certify to be held by them as endowments for solely educational purposes, shall vest in the said official trustee or trustees (Section 45)

#### Adult Education

The Final Report of the Adult Education Committee of the Ministry of Reconstruction contains in reference to local authorities the following proposals—

(1) Non-vocational adult education should be regarded as an integral part of the activities of local education authorities

(2) Each local education authority in Great Britain should be required to submit to the Central Department a separate scheme or schemes dealing with this

(3) General establishment of non-vocational institutes as evening centres for humane studies, co-operating with voluntary agencies and seeking to establish new traditions

(4) Co-operation with voluntary organizations in the formation of local colleges foreshadowed by the proposed Revised Regulations of the Board of Education

(5) Local authorities to give substantial assistance to university historical classes, courses of extension lectures and to salaries and expenses of resident tutors. Scholarship schemes to include scholarships to summer schools and maintenance grants to adults to reside in a university or college for a shorter

or longer period. Local authorities to contribute annually the proceeds of a penny rate to the provisional university.

(6) Local authorities to combine to establish an Adult Education Joint Committee. This Committee should be required to co-opt representatives of universities and of bodies engaged in organizing non-vocational classes aided out of public funds. The Joint Committee would receive applications for the provision of adult classes and would form a panel of suitable lecturers from which teachers could be chosen for the classes provided.

XIX  
THE CHILDREN ACT, 1908

GENERAL DEFINITIONS

The expression—

- (1) " Child " means a person under the age of fourteen years
- (2) " Young person " means a person who is fourteen years of age or upwards and under the age of sixteen years

PART I INFANT LIFE PROTECTION

- (1) Local Authority is Board of Guardians
- (2) Local authority appoint Infant Protection Visitors, and, in addition, or in lieu thereof, may authorize persons, male or female, to exercise the powers voluntarily
- (3) Persons receiving one or more infants under the age of seven years to nurse for reward are required to give notice to local authority within forty-eight hours

Penalty for not giving notice—

- (a) Imprisonment not exceeding six months, or fine not exceeding £25
- (b) Forfeiture of lump sum (if any) paid, or such less sum as court may deem just

Such person has no insurable interest in the life of a child under the Assurance Companies Acts

- (4) The Central Administration of this part of the Act was handed over to the Ministry of Health by Order in Council as from 1st July, 1919

PART II PREVENTION OF CRUELTY TO CHILDREN AND YOUNG PERSONS

- (1) Punishment for—

- (a) Cruelty to children and young persons
- (b) Suffocation of infants by persons over sixteen years
- (c) Other offences in relation to children and young persons, including—

- (i) Begging
- (ii) Exposing children to risk of burning
- (iii) Allowing in brothels
- (iv) Causing, encouraging or favouring the seduction or prostitution or carnal knowledge of a girl under the age of sixteen years

- (2) Power conferred on court and constables to—

- (a) Bind over person having custody of young girl
- (b) Take offenders into custody
- (c) Detain child or young person in place of safety

- (d) Dispose of child or young person by order of court
- (e) Visit institutions for reception of poor children or young persons, under order of Secretary of State. Visitors may be voluntary
- (f) Order detention of habitual drunkards

### PART III JUVENILE SMOKING

- (1) Penalty on selling cigarettes or cigarette paper to a person apparently under the age of sixteen, whether for his own use or not
- (2) Duty of a constable or park-keeper in uniform to seize cigarettes or cigarette paper in the possession of such persons whom he finds smoking, and may have power to search any boy so found smoking
- (3) Court of summary jurisdiction empowered to order automatic machines used for cigarettes to be removed

### PART IV REFORMATORY AND INDUSTRIAL SCHOOLS

#### (1) Definitions—

(a) Certified School means a Reformatory or Industrial School which is certified in accordance with the Children Act, 1908

(b) Reformatory School means school, for seniors, to which are sent for industrial training youthful offenders, being between the age of twelve and sixteen, convicted of an offence, punishable, in the case of an adult, with penal servitude or imprisonment, and who would have served a term in prison. They are schools in which actual delinquents are lodged, clothed, fed and taught

(c) Industrial School means a school, for juniors, in which industrial training is provided and children are lodged, clothed, fed and taught up to the age of fourteen, who may not actually have committed an offence, but whose circumstances are such that if left in their surroundings they are likely to join the delinquent population

(d) Day Industrial and Truant School means a school where the children do not reside, but where they receive one or more meals per day, their elementary education, and a certain amount of industrial training

The majority of these schools are owned and managed by voluntary bodies

(2) The responsibility of finding and bringing the children before the courts rests with the local education authority and the police

#### (3) Local Authority is—

- (a) Local education authority for industrial schools
- (b) Council of a county or county borough for reformatory schools

(4) Schools are certified by Inspectors appointed by Home Secretary

(5) Schools are maintained by—

- (a) Treasury Grants in Aid
- (b) Payments from Local Authority
- (c) Profits from industrial work
- (d) Charitable subscriptions and donations

#### PART V JUVENILE OFFENDERS

(1) The two principles of this part of the Act are—

- (a) Juvenile offenders are distinguished from the adult
- (b) Parent or guardian is made responsible for the offences of the child

(2) Provision of—

(a) Juvenile Courts, whereby in cases of charges against or relating to children or young persons, the magistrates sit in a separate room or at a special time. A separate rota of magistrates is recommended by the Home Office

(b) Places of Detention, provided by every police authority, to which a child or young person may be committed who is

- (i) on remand or committed for trial,
- (ii) sentenced thereto for punishment instead of to prison

#### PART VI MISCELLANEOUS AND GENERAL

(1) Prohibiting—

(a) Children from being present in court during the trial of other persons

(b) The purchase of old metal from any person apparently under sixteen years of age

(c) The taking of pawns from children under fourteen years, in London and Liverpool under sixteen years of age

(d) The giving of intoxicating liquors (except for medicinal purposes or urgent cause) to children under the age of five years.

(e) Vagrants from preventing children over five years of age receiving education.

(f) Children from being allowed in the bar of licensed premises, except during the hours of closing

(2) Providing for—

(a) The clearing of a court during children's evidence

(b) Cleansing of verminous children under order of local education authority

A DIVISION OF THE HOME OFFICE has been constituted to deal with questions relating to children, particularly reformatory and industrial schools, children's courts, probation officers, cruelty to children, and street trading.

## XX

### MENTAL DEFICIENCY

#### PART I. THE LUNACY ACTS, 1890 to 1911

CLASSES of persons who come within these Acts include those who are of unsound mind or mentally infirm

1 CENTRAL AUTHORITIES include—

- (1) Lord Chancellor, who is responsible for judicial functions
- (2) Home Secretary, who is responsible to Parliament for the work of the Board of Control
- (3) Commissioners in Lunacy, now merged in the Board of Control (see below)

(4) Masters in Lunacy

(5) Visitors in Lunacy

2 LUNATICS are detained in—

- (1) County and borough asylums
- (2) Registered hospitals receiving lunatics
- (3) Licensed houses
- (4) State institutions, viz—
  - (a) Criminal asylums
  - (b) Royal Military and Naval hospitals
- (5) Metropolitan District asylums
- (6) Poor Law Institutions in which there are any lunatics or imbeciles
- (7) Houses scattered over the country providing for single patients

3 LOCAL AUTHORITIES are (generally) Council of the County or County Borough, who

- (1) Must provide an asylum or asylums for accommodation of its pauper lunatics
- (2) May provide accommodation for lunatics of the private class

4 VISITING OR ASYLUMS COMMITTEE

(1) Appointed by local authorities, members of which are known as Visitors

(2) Duties include—

- (a) Management of asylums
- (b) Making rules and regulations for the government of the asylum
- (c) Appointing and dismissing officers, including—
  - (i) Chaplain
  - (ii) Medical Officer
  - (iii) Superintendent
  - (iv) Clerk
  - (v) Treasurer

5 EXPENSES of local authorities so far as they are not met by the Guardians are, in the case of—

- (1) County Council, met out of the County Fund
- (2) County Borough Council, met out of the Borough Fund

An amount is paid out of the Exchequer Contribution Account to the Guardians and to the County or County Borough authority in respect of the maintenance of lunatics

6 LOANS are subject to the consent of the Ministry of Health

7 ACCOUNTS are, in many cases, made up to the 31st March, and are subject to audit by the District Auditor of the Ministry of Health, except in the case of Boroughs

## PART II. THE MENTAL DEFICIENCY ACT, 1913

Classes of persons who are mentally defective and are defectives within the meaning of this Act include idiots, imbeciles, feeble-minded persons, and moral imbeciles

### 1 CENTRAL AUTHORITY—

(1) Board of Control, consisting of not more than fifteen Commissioners, viz —

(a) Not more than twelve Paid Commissioners, at least one being a woman, consisting of—

(i) Four Legal Commissioners, appointed by the Lord Chancellor, being barristers or solicitors of five years' standing.

(ii) Four (at least) Medical Commissioners, being duly qualified medical practitioners of at least five years' standing

(b) Unpaid Commissioners, appointed by the Secretary of State, at least one being a woman

(2) The Secretary of State shall appoint one of the Commissioners to be Chairman

(3) Board of Control is a Corporate Body with perpetual succession and common seal

2 DUTIES OF CENTRAL AUTHORITY, which may be exercised by an Administrative Committee, include—

(1) Supervision of the administration by the local authorities

(2) Certification and approval of premises

(3) Provision and maintenance of State institutions

(4) Administration of grants provided by Parliament

(5) Such other powers and duties of the Board as may be assigned, including the preparation of annual and other reports

3 LOCAL AUTHORITY is Council of the County or County Borough, who are to appoint for the purposes of this Act —

#### 4 THE COMMITTEE FOR THE CARE OF THE MENTALLY DEFECTIVE—

(1) Consisting of—

(a) Members of the Council, and

(b) Poor Law Guardians, or

(c) Other persons having special knowledge and experience with respect to the care, control and treatment of defectives

(2) Number of members of Committee determined by Council, but

(a) Some shall be women

(b) The majority shall be members of the Council

(3) Where a local authority has appointed one or more Visiting or Asylum Committees, then, if the Council so determine, the Visiting or Asylum Committee, with the addition of at least two women, shall—

(a) Act as the Committee for the Care of the Mentally Defective, or

(b) Be the members of the Council appointed by the Council to be the members of the Committee for the Care of the Mentally Defective

(4) Powers of the local authority under the Act (except the power of raising a rate or borrowing money) shall stand referred to the Committee

(5) The Lancashire Asylums Board shall be the local authority for the area of the Board, and the provisions of the Lancashire County (Lunatic Asylums and other Powers) Act, 1891, as to expenses, borrowing, accounts and audit, shall apply accordingly

(6) Joint Committee or Joint Board may be constituted by the Secretary of State with the approval of the Ministry of Health

#### 5 DUTIES OF LOCAL AUTHORITY—

(1) To ascertain what persons within their area are defective

(2) To provide suitable supervision for such persons

(3) Where supervision affords insufficient protection, to send such persons to institutions, or make provision for their guardianship, and to provide suitable and sufficient accommodation for such persons when sent to such institutions

(4) To maintain, or contribute towards the maintenance of such persons in an institution or approved home, if they think fit

(5) To provide, if they think fit, for the burial, in case of death, of persons placed in such institution or home

(6) To appoint or employ sufficient officers or other persons to assist in the performance of the duties under the Act

(7) To make to the Board of Control annual or such other reports as are required



6 EXPENSES OF LOCAL AUTHORITIES in the case of—

- (1) County Council, are met out of the County Fund
- (2) County Borough Council, met out of the Borough Fund, or Rate, or, if no borough rate is levied, out of a separate rate

7 LOANS Money may be borrowed for a period not exceeding sixty years, and the sums so borrowed shall not be reckoned as part of the debt for the purposes of the limitations on borrowing.

8 ACCOUNTS Separate accounts shall be kept by the local authorities of their receipts and expenditure under the Act

## XXI

### PUBLIC ASSISTANCE

#### PART I. POOR LAW

1 THE NECESSITY FOR THE POOR LAW arose as a result of the abolition of the monasteries by Henry VIII, a series of bad harvests, and a debased coinage. The early Poor Law aimed just as much at suppressing vagabondage as at relieving distress. In making provision for the latter, it endeavoured to remove any excuse for the former.

2 ADMINISTRATION is by Boards of Guardians elected for a Poor Law Union. The administration is uniform and the statutes are the least permissive of any Local Government law. The central authority is the Ministry of Health.

3. POOR LAW UNION is any parish or union of parishes for which there is a separate Board of Guardians.

4 BOARD OF GUARDIANS is a corporate body with perpetual succession and a common seal, and consists of a Chairman, Vice-Chairman, and (usually) one Guardian for every parish of 300 inhabitants.

5 GUARDIANS are elected under the Poor Law Acts Amendment Act, 1834, and the Acts amending same, for three years by the local government electors from among their number, or from persons resident for at least twelve months within the Union.

(1) In Rural Parishes they are elected as Rural District Councillors, and as such are members of the Board of Guardians for the Union within which their district is situated.

(2) In Urban Parishes they are elected as Guardians only. Boards of Guardians have power to co-opt a chairman, deputy-chairman, and not more than two members.

6 POWERS AND DUTIES, which are usually administered by Committees, include those under—

(1) Poor Relief Acts

(2) Union Assessment Committee Acts (*See* Chapter IX)

(3) Registration of Births, Deaths and Marriages Acts

(4) Vaccination Acts

(5) Children Act, 1908 (Part I) (*See* Chapter XIX)

7 PRINCIPLES OF POOR RELIEF under the Poor Relief Act, 1601, and the Poor Law Acts Amendment Act, 1834—

(1) *Relief* by the State for its own protection and as a remedy against the evils of destitution.

Destitution implies that a subject is for the time being without material resources directly available and appropriate for satisfying

his physical needs, whether actually existing or likely to arise immediately. By physical needs are meant such needs as must be satisfied in order to maintain life, or in order to obviate, mitigate or remove causes endangering life or likely to endanger life or impair health or bodily fitness for self-support.

(2) *Repression*, by making the relief repulsive to the moral sense, and severe in the treatment of the idle, immoral, and vicious.

(3) *Remedial* provision of means to rear, educate and train children who are without proper protection and care.

8 RELIEF PROVIDED is either indoor, outdoor, or medical relief.

(1) *Indoor or Institutional Relief* is maintenance supplied in accordance with the Poor Law Institutions Order, 1913, in an institution such as,

- (a) General Workhouses or Institutions
- (b) Workhouse Infirmaries or Institution Infirmaries
- (c) District Sick Asylums
- (d) Homes for aged poor
- (e) Casual Wards
- (f) District or separate Schools
- (g) Scattered Homes
- (h) Cottage Homes
- (i) Boarding out of Children.
- (j) Special or Joint Institutions

(2) *Outdoor Relief or Domiciliary Allowance* is maintenance wholly or in part by means of an allowance in accordance with the Relief Regulation Order, 1911.

(3) *Medical Relief* is all medical and surgical attendance, and all matters and things supplied by or on the recommendation of the medical officer.

9 OFFICERS, who are appointed subject to, and cannot be dismissed without the approval of the Ministry of Health include—

- (1) Clerk
- (2) Treasurer
- (3) Master and Matron of the Workhouse
- (4) Relieving Officers
- (5) Medical Officers
- (6) Such other officers as the Board of Guardians think necessary

10 EXPENSES are met by precepts upon the overseers of all parishes in the Union and collected as part of the Poor Rate.

11 LOANS are limited to one-quarter, or, by order of the Ministry of Health, one-half the assessable value of the Union, and are repayable within a period of not exceeding sixty years.

12 'ACCOUNTS are made up half-yearly to 31st March and 30th September, and are subject to audit by the District Auditor of the Ministry of Health

## PART II. PROPOSALS FOR REFORM OF THE POOR LAWS

(Those which have been carried out are indicated by \*)

1 ROYAL COMMISSION was appointed 4th December, 1905, to inquire—

(1) Into the working of the laws relating to the relief of poor persons in the United Kingdom,

(2) Into the various means which have been adopted outside of the Poor Laws for meeting distress arising from want of employment, particularly during periods of severe industrial depression

There were two reports under date 4th February, 1909, viz —

(1) Majority Report, signed by 14 members

(2) Minority Report, signed by 4 members

2 THE CHIEF REASONS FOR REFORM, as stated in the Reports, were—

(1) Pauperism is as rife as it was forty years ago

(2) Expenditure on Poor Relief has grown out of all proportion with the number relieved

(3) The calibre and ability of the average guardian is not high enough through lack of interest in elections

(4) Consequently business is mismanaged, and a great deal of distress is left untouched by the Poor Law

(5) The Union bears no definite relation to other authorities who now perform functions which overlap the work of the Guardians

### 3 UNANIMOUS RECOMMENDATIONS—

(1) Abolition of Boards of Guardians

(2) Enlargement of the area of administration from the Union to the County and County Borough

\*(3) Classified Institutions instead of the General Mixed Workhouse

(4) Charitable Aid to be organized

\* (5) Improved administration of Out Relief

\* (6) Old Age Pensions

\* (7) Children to be removed from Workhouses

\* (8) Labour Exchanges to be established

\* (9) State Insurance against Unemployment

\* (10) Central Control to be extended and number of higher officials to be increased

(11) Discontinuance of Unemployed Workmen Act, 1905.

## 4 MAJORITY RECOMMENDATIONS (not included in above)—

(1) Public Assistance Authorities instead of Boards of Guardians, viz., Committees of County or County Borough for administration purposes

(2) Public Assistance Committees to be partly nominated by Urban and Rural District Councils and Voluntary Aid Councils to deal with applicants

(3) Voluntary Aid Councils and Voluntary Aid Committees to act as intermediaries between public assistance and charity

(4) County and Local Medical Assistance Committees to provide medical relief on a provident basis

(5) Institutional Treatment to be curative and restorative, with periodical revision of cases

\* (6) Outdoor Relief to be adequate to needs, subject to careful supervision and case paper system to be adopted

(7) Public Assistance Service to be established with qualifying examinations for higher positions

## 5 MINORITY RECOMMENDATIONS (not included in above)—

(1) Non-able-bodied to be dealt with by existing committees of the County and County Borough Councils, viz.—

(a) Education Committee Children of school age

(b) Health Committee Sick and permanently incapacitated, infants under school age, aged needing institutional care

(c) Asylums Committee Mentally defective of all grades and ages

(d) Pensions Committee Aged to whom pensions are awarded

These Committees to be supervised by the appropriate Government Departments

(2) Able-bodied to be dealt with by an authority charged only with this specific duty

(3) Unemployment to be under the control of a Minister for Labour charged with the duties previously referred to

(4) The training of unemployed and control of parliamentary funds for national schemes, including afforestation

(5) Registrars of Public Assistance to be appointed for local areas to prevent overlapping

6 THE LOCAL GOVERNMENT COMMITTEE appointed by the Ministry of Reconstruction, which reported in January, 1918, recommends the abolition of Boards of Guardians and the Poor Law Unions and the transference of the functions of these bodies to the County Councils and County Borough Councils

## XXII

### UNEMPLOYED WORKMEN ACT, 1905

1 OBJECT The Act was passed in a period of exceptional distress consequent upon the South African War in order to prevent those who in ordinary times could and would find work from becoming permanent members of the pauper class

2 CENTRAL AUTHORITY is the Ministry of Health

3 LOCAL AUTHORITIES—

(1) Metropolis—

(a) Central Unemployed Body

(b) Borough Distress Committees

(2) Provinces—

Distress Committee appointed in—

(a) Borough or Urban District Council with a population of 50,000

(b) Borough or Urban District Council with a population according to the last census of less than 50,000 but not less than 10,000, with the consent of the Ministry of Health

(c) County or part of county not included may have a committee established by Ministry of Health

(3) Membership of Provincial Distress Committee consists of—

(a) Members of County, Borough, or Urban District Council, and

(b) Members of the Boards of Guardians of every poor law union wholly or partly within the area, and

(c) Persons experienced in the relief of distress appointed by the Council, not exceeding one-fourth of the total number, one of whom must be a woman

4 POWERS AND DUTIES OF PROVINCIAL DISTRESS COMMITTEES—

(1) To make themselves acquainted with the conditions of labour within their area

(2) To receive, inquire into, and discriminate between applications made to them from persons unemployed

(3) If satisfied that applicant is temporarily unable to obtain work and that case is more suitable of treatment under this Act than under the poor law, then Committee may assist applicant by—

(a) aiding emigration or removal to another area of applicant and any of his dependents,

(b) providing or contributing towards the provision of temporary work

- (4) [To establish, take over or assist labour exchanges, and to collect information ] (Abolished by Labour Exchanges Act, 1909 )
- (5) With the consent of the Ministry of Health, to establish a Farm Colony where expenses may reasonably be expected to be defrayed otherwise than out of contributions by the Council
- (6) With the consent of the Ministry of Health, to purchase by agreement or take on lease land for the purposes of the Act
- (7) To accept donations of money or other property for the purpose of the requirements of the Act

5 OFFICERS may be employed for the efficient exercise of the powers and discharge of the duties of the Committee

6 EXPENSES of administration are limited to a rate of one halfpenny in the pound, or, with the approval of the Ministry of Health, one penny in the pound, but the provision of work must be defrayed out of voluntary funds

7 WORK to which Provincial Distress Committees can contribute, must be provided by a Local Authority or Public Body

8 LOANS Money may be borrowed only for the purchase of land, repayable within a period not exceeding sixty years

9 ACCOUNTS are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health

## XXIII

### THE OLD AGE PENSIONS ACTS, 1908 to 1920

1 CENTRAL PENSION AUTHORITY is the Ministry of Health

2 LOCAL PENSION COMMITTEE—

(1) Appointed by the Council of every—

(a) Borough with a population of 20,000

(b) Urban District with a population of 20,000

(c) County, excluding the area of such borough or urban district

(2) Not necessarily members of the Council, and women may be members. Number not less than seven or not more than number of members of the Council, as decided by them. Quorum not less than three.

(3) Term of office three years, or such less time as the Council decide.

(4) Clerk of the Committee to be a fit person appointed by the Committee, to hold office during their pleasure.

3 PENSION OFFICERS are appointed by and are in the service of the Board of Customs and Excise.

4 QUALIFICATIONS FOR PENSION—

(1) Must have attained the age of seventy.

(2) Must satisfy the pension authorities that for at least ten years up to the date of the receipt of any sum on account of a pension he has been a British subject. The condition as to nationality shall not be required to be fulfilled in the case of a woman who satisfies the pension authorities that she would but for her marriage with an alien have fulfilled the conditions.

(3) Must satisfy the pension authorities that he has had his residence in the United Kingdom for an aggregate period

(a) if a natural born British subject, since attaining the age of fifty years,

(b) if he is not a natural-born British subject, for an aggregate period of fifty years.

"Residence" means actual presence for at least twelve years in the aggregate out of the twenty preceding years.

For the purpose of computing the twelve years' residence in the United Kingdom the following are included—

(a) Employment in service of the Crown, or as the wife or servant of a person in any service so remunerated.

(b) Any periods spent in the Channel Islands or the Isle of Man by a person resident in the United Kingdom.



(c) Periods spent abroad while maintaining or assisting dependents in the United Kingdom

(d) Service on board a vessel registered in the United Kingdom

(e) Periods of temporary absence not exceeding three months in duration at any one time shall be counted as periods of residence in the United Kingdom if throughout absence home was in the United Kingdom

(4) Yearly means must not exceed £49 17s 6d

#### 5 DISQUALIFICATIONS—

(1) While he is an inmate of any workhouse or poor law institution (other than medical or surgical treatment during a period of three months)

(2) Detention under the Lunacy Acts.

#### 6 PROCEDURE—

(1) Form to be obtained from any local Post Office, filled up by claimant and sent to local Pension Officer

(2) Pension Officer forwards form to Local Pension Committee with report

(3) Clerk to Committee to arrange meeting within seven days, and claim allowed forthwith

(4) In case of objection, claim adjourned for meeting not more than a month after date of original meeting, and notice sent to claimant

(5) At adjourned meeting Committee give decision, and send notice to Pension Officer and claimant

(6) Notice of appeal to Ministry of Health within seven days, whose decision is final

#### 7 AMOUNT OF PENSION

Where the yearly means of the Pensioner—

Per Week  
s d

(a) Do not exceed £26 5s

10 0

(b) Exceed £26 5s but do not exceed £31 10s

8 0

(c) Exceed £31 10s but do not exceed £36 15s

6 0

(d) Exceed £36 15s but do not exceed £42

4 0

(e) Exceed £42 but do not exceed £47 5s

2 0

(f) Exceed £47 5s but do not exceed £49 17s 6d

1 0

(g) Exceed £49 17s 6d

nil

Pensions are payable through the Post Office

#### 8 CALCULATION OF MEANS

(1) The yearly value of property shall be calculated as follows, viz—

(a) The first £25 of the capital value of the property shall be excluded, and

(b) The yearly value of the next £375 of the capital value shall be taken to be one-twentieth part of the capital value, and

(c) The yearly value of so much of the capital value as exceeds the sum of £400 shall be taken to be one-tenth part of the capital value

(2) No account shall be taken of any amounts received during a period of not more than three months in any year by a person or by the husband or wife of a person under a medical certificate as sickness benefit from a friendly society or trade union, or under the Insurance Acts

(3) No account shall be taken of the furniture and personal effects of a person whatever the value thereof may be

(4) Where a husband is separated from his wife, any sum paid by him to her under a separation shall be deducted in calculating his means

9 THE BLIND PENSIONS ACT, 1920, provides that the statutory age for the receipt of old age pension in the case of the blind is reduced from 70 to 50 years

10 The sums required for the payment of old-age pensions under these Acts are paid out of moneys provided by Parliament

## XXIV

### EMPLOYMENT EXCHANGES (LABOUR EXCHANGES ACT, 1909)

#### 1 OBJECTS—

- (1) Provide a voluntary market for labour
- (2) Prevent economic waste of time on the part of both employers and workpeople
- (3) Reduce casual labour and vagrancy
- (4) Provide statistics relative to the conditions of labour
- (5) Provide machinery for insurance against unemployment

#### 2 GUIDING PRINCIPLES—

- (1) National, covering the whole of the United Kingdom, and administered by the Central Government
- (2) Industrial and not charitable
- (3) Free and voluntary to both employers and workpeople
- (4) Impartial as between employers and workpeople

#### 3 DEFINITIONS—

"Labour Exchange" means any office or place used for the purpose of collecting and furnishing information, either by the keeping of registers or otherwise, respecting employers who desire to engage workpeople, and workpeople who seek engagement or employment

In October, 1916, it was announced that in future the Labour Exchanges would be termed "Employment Exchanges," a title which corresponds more accurately to their present functions

#### 4 ADMINISTERED BY THE MINISTRY OF LABOUR, who may—

- (1) Establish and maintain exchanges in such places as they think fit
- (2) Assist exchanges maintained by other authorities and persons.
- (3) Co-operate with other authorities and persons
- (4) Take over employment exchanges by agreement with the authority or person by whom the employment exchange is maintained
- (5) By such other means as they think fit, collect and furnish information as to employers requiring workpeople and workpeople seeking engagement or employment
- (6) Establish Advisory Committees consisting of representatives of employers and trade unionists. These have established—
  - (a) Juvenile Employment Committees, which are setting up After-Care Committees, comprising voluntary visitors who

undertake to visit and report upon boys and girls up to the age of eighteen years who have been placed in situations through the Juvenile Employment Exchange

5. REGULATIONS are made by the Ministry of Labour for—

(1) The management of employment exchanges

(2) Authorizing advances (on loan) to workpeople travelling to employment to places where employment has been found through exchange

(3) Providing that no one should be disqualified or prejudiced for refusing to accept employment found through employment exchange where the ground of refusal is—

(a) That a dispute which affects his trade exists, or

(b) That the wages offered are lower than those current in the trade in the district where the employment is found

Regulations require to be laid before Parliament for forty days

6 PENALTIES—

Any person knowingly making a false statement or false representation to an officer of an employment exchange, for purpose of obtaining employment or procuring workpeople, is liable in respect of each offence on summary conviction, to a fine not exceeding ten pounds

7 UNEMPLOYMENT INSURANCE

The Employment Exchanges are responsible for the administration of the Unemployment Insurance Acts, 1911 to 1920, as described in Chapter XXVII

8 OFFICERS and servants are appointed by the Ministry of Labour subject to approval of Treasury

9 EXPENSES incurred by the Ministry of Labour are defrayed out of moneys provided by Parliament

10 CHOICE OF EMPLOYMENT ACT

This Act which gives powers to local education authorities to make arrangements to give boys and girls assistance with respect to the choice of suitable employment, is referred to in Chapter XVIII (Part II)

## TRADE BOARDS

## PART I. THE TRADE BOARDS ACTS, 1909 to 1918

1 THE FIRST SUGGESTION of Trade Boards is to be found in John Stuart Mill's *Political Economy*. They are also referred to in Webb's *History of Trade Unionism*. The first legislation was in the Colony of Victoria on the initiative of Mr Deakin.

## 2 OBJECTS—

To remedy existing abuses in regard to sweated industries Sweating is understood to mean that work is paid for at a rate which, in the conditions under which many of the workpeople do it, yields to them an income which is quite insufficient to enable an adult person to obtain anything like proper food, clothing, and house accommodation.

3 ADMINISTERED by the Ministry of Labour whose officers have power to enter workshops and inspect wages sheets, and have the same power to take and conduct proceedings as is possessed by Factory Inspectors.

## 4 APPLIES TO ALL WORKERS IN THE FOLLOWING TRADES—

## (1) Tailoring—

(a) Ready-made

(b) Wholesale bespoke

(c) Any other branch in which the Ministry of Labour consider that the system of manufacture is generally similar to that prevailing in the wholesale trade.

(2) The making of boxes, or parts thereof, made wholly or partially of paper, cardboard, chip or similar material.

(3) Machine-made lace and net-finishing and mending or darning operations of lace-curtain finishing.

(4) Hammered and dollied or tommied chain making.

(5) Any other trade to which it may have been applied by Provisional Order as specified below.

5 EXTENSION OF ACT. Ministry of Labour may make a Provisional Order applying this Act to any specified trade to which it does not at that time apply, if they are satisfied that—

(1) The rate of wages in any branch of the trade is exceptionally low, as compared with other employments, and

(2) The other circumstances of the trade are such as render the application of this Act to the trade expedient.

In accordance with this provision the Trade Boards Provisional Orders Confirmation Act, 1913, extends the application of this Act to the following trades, viz—

(1) Sugar Confectionery and Fruit Preserving

(2) Shirt making

- (3) Hollow-ware making (including boxes and canisters)
- (4) Linen and Cotton Embroidery

By the Trades Boards Act, 1918, the Trades Boards Act, 1909, shall apply to any other trades to which it has been applied by a provisional order or a special order made under the Act by the Ministry of Labour

**6 SPECIAL ORDER** The Ministry of Labour may make a special order applying the principal Act to any specified trade to which it does not apply. If at any time he is of opinion that the conditions of employment in any trade to which it is applied have so altered as to render the application of the principal Act to the trade unnecessary, he may make a special order withdrawing that trade from the operation of the Act

**7 TRADE BOARDS—**

(1) Constituted in accordance with regulations made under these Acts, for any trade to which this Act applies

(2) Consisting of members—

(a) Appointed by the Ministry of Labour, being less in number than the members representing employers and workers

(b) Equal number of representatives of employers and workers

(3) Women are eligible as appointed and representative members

**8 DUTIES OF TRADE BOARDS—**

(1) Shall fix a General Minimum Time Rate of wages for time work

(2) May also fix—

(a) A General Minimum Piece Rate of wages for piece work

(b) A Minimum time rate to apply in the case of workers employed on piece work

(c) A guaranteed Time Rate (whether a time rate or a piece rate) to apply in substitution for a minimum rate which would otherwise be applicable

(d) An Overtime Rate

(3) To apply same either—

(a) Universally to the trade

(b) To any special process, or to any class of workers, or to any special area

(4) May establish District Trade Committees, and refer to them any matter which they think expedient

(5) To announce to employers the making of an Order affecting their trade and to furnish them with particulars

(6) To consider matters referred to them by Government Departments

(7) Make recommendations to any Government Department with reference to the industrial conditions of the trade

**9 CONFIRMING ORDER—**

(1) Issued by Minister of Labour within one month from the date on which the notification from the Trade Board is received

(2) Obligatory on all persons employing labour, or employed

(3) Any minimum rate or the cancellation or variation of any such rate shall become effective as from the date specified in the order

10 PROVISIONAL ORDER or Special Order under the Act of 1918, may be made by the Ministry of Labour providing that this Act shall cease to apply to any trade, if at any time they consider that the conditions of employment in that trade have been so altered as to render the application of this Act unnecessary

11 OFFICERS are appointed by the Ministry of Labour, and their duties include the investigation of complaints and the securing of the due observance of the Act

**12 PENALTIES—**

(1) For not paying minimum rate is, on summary conviction, a fine not exceeding Twenty pounds and Five pounds for each day after conviction

(2) For refusal to comply with the lawful requirements of officers a fine not exceeding Five pounds in respect of each offence

(3) For a false list a fine not exceeding Twenty pounds or three months imprisonment with or without hard labour

(4) By the Trade Boards Act, 1918, an agent of an employer may be proceeded against as if he were the employer

## **PART II THE CORN PRODUCTION ACT, 1917**

1 OBJECTS Among the objects of the Act is the establishment by the Ministry of Agriculture and Fisheries of an Agricultural Wages Board for England and Wales for fixing the minimum rates of wages for "workmen" employed in agriculture, that is to say, rates of wages which, in the opinion of the Board, are the lowest which ought to be paid to "workmen" in the district for which the rates are fixed

2 WORKMEN include boys, women and girls, and employment in agriculture includes work not only on farms, but also on osier land, woodland, orchards, market gardens, and nursery grounds

**3 CONSTITUTION OF THE WAGES BOARD**

Consists of three classes of persons—

(1) Appointed members directly appointed by the Ministry of Agriculture and Fisheries and not necessarily engaged in agriculture

- (2) Representative Members—
  - (a) representing employers,
  - (b) representing workers

The members representing employers and the members representing workers must be equal in number. Women are eligible as members. The appointed members must not be greater in number than one-quarter of the total number of members of the Wages Board. Number of members fixed by regulation.

#### 4 DUTIES OF THE WAGES BOARD

(1) Fix minimum rates of wages for time-work for all classes of workers. In the case of able-bodied men, the rates must be such as will secure wages which in the opinion of the Wages Board are equivalent to a payment for an ordinary day's work at a rate of at least 25s a week. The age of 18 has been adopted as the age at which the minimum rate for men becomes payable.

(2) May, if they think it necessary or expedient, also fix minimum rates of wages for piece-work.

(3) These rates, whether time-work or piece-work, may be fixed to apply—

- (a) Universally to workers employed in agriculture
- (b) Differently for different districts
- (c) For different classes of workers
- (d) For different kinds and conditions of employment

(4) To define certain payments in kind which may be reckoned in part payment of such wages. The Board have issued an Order defining the particular "benefits and advantages" which may be so reckoned. The Order names the maximum amount (three shillings) which may, under any circumstances, be deducted from the cash wage in respect of a cottage provided by an employer.

#### 5 DISTRICT WAGES COMMITTEES

Established by Wages Board, who may refer to them any matter which they think expedient.



## THE NATIONAL INSURANCE ACTS, 1911 to 1920

OBJECTS of the Acts are " to provide for insurance against loss of health, and for the prevention and cure of sickness, and for insurance against unemployment, and for purposes incidental thereto "

## PART I HEALTH INSURANCE

## 1 PRINCIPLES of the Acts—

- (1) Protection of health of individual and community
- (2) Provision of a weekly sum to safeguard the home during sickness
- (3) Compulsory and universal in its application to working classes
- (4) Contributory by employers, workpeople and the State
- (5) Worked principally through Approved Societies

2 ADMINISTERED by the Ministry of Health through Advisory Committee

## 3 INSURED PERSONS—

(1) All persons (subject to certain exceptions) sixteen years of age and upwards employed at a rate of remuneration not exceeding £250 per annum in the United Kingdom under any contract of service or apprenticeship

- (i) written or oral, whether expressed or implied,
- (ii) whether paid by employer or some other person, and whether under one or more employers,
- (iii) whether paid by time or by the piece, or partly by time and partly by piece, or otherwise, or, except in the case of a contract of apprenticeship, without money payment,

All persons employed by manual labour are insurable no matter what their rate of remuneration may be

(2) Employment under contract as aforesaid as master or member of crew of any ship—

- (i) registered in the United Kingdom, or
- (ii) of any other British ship or vessel of which the owner or managing owner resides or has his principal place of business in the United Kingdom

(3) Employment as an out-worker, unless excluded by special order

(4) Employment in plying for hire with any vessel or vehicle, the use of which is obtained from the owner under any contract of bailment by payment of fixed sum, share of earnings, or otherwise,

(5) Employment under any local or public authority, unless excluded by special order

4 VOLUNTARY CONTRIBUTORS as from the 1st July, 1918, are all persons—

(a) Who, having been employed within the meaning of Part I of the principal Act and insured as employed contributors for a period of 104 weeks or upwards, have ceased to be employed contributors and who give notice that they desire to become voluntary contributors

(b) Who were engaged in any excepted employment in respect of whom the Insurance Commissioners are satisfied that in the special circumstances they should be allowed to be voluntary contributors

(c) Who were insured as voluntary contributors on the 1st January, 1918, or who, having at any previous time been insured as voluntary contributors, ceased to be so insured by reason of becoming employed contributors and were insured persons at that date, and have in either case since that date continued to be insured persons

5 EXEMPT PERSONS are persons who come within the provisions of the Act but prove that they are either

(a) in receipt of any pension or income of the annual value of £26 or upwards not dependent upon their personal exertions, or

(b) ordinarily and mainly dependent for their livelihood upon some other person, or

(c) ordinarily and mainly dependent for their livelihood on the earnings derived by them from an occupation which is not employment within the meaning of this part of this Act, or

(d) as from the 1st July, 1918, persons intermittently employed, or

(e) engaged in employment which, but for the provisions of the National Health Insurance Act, 1919, would have been excepted from Part I of the National Insurance Act, 1911, and who have not, since the 30th June, 1919, been engaged in any employment which would not have been so exempted

Certificates of exemption are obtained from the Ministry of Health

6 CONTRIBUTIONS per week as from 5th July, 1920

(a) Ordinary Contributors—

Employer, 5d Contributors Men, 5d, Women, 4d

(b) Foreign-going seamen and women—

Employer, 3d Contributors Men, 8d, Women, 7d

In the case of employed contributors of either sex eighteen years and over whose remuneration does not include the provision of

board and lodging by their employer, and the rate of whose remuneration does not exceed 4s a working day, the following rates apply

Not exceeding per working day	Employer		Insured Person	
	Men	Women	Men	Women
s d	d	d	d	d
3 0	10	9	nil	nil
4 0	6	6	4	3

Contributions of the Voluntary Class, i.e., where income does not exceed £250 per annum, are at the employed rate where medical benefit is given. Where income is over £250 per annum no medical benefit is provided and contribution is reduced by 2d weekly.

Contributions cease at seventy years of age. Employer pays for all employees (mentioned in Section 3 above) whether "exempt" persons or not. In the case of employees to whom Certificates of Exemption have been granted the rate is 5d.

Parliament provides in the case of both men and women two-ninths of the funds required to provide and administer the benefits under the Acts.

Contributions in respect of seiving seamen, marines, soldiers and airmen are now paid entirely from naval or military funds. No deduction is made from men's pay.

7 BENEFITS are of three classes, viz minimum, additional, extended

(1) Minimum Benefits, viz —

(a) Medical treatment and attendance, from date of entrance, including the provision of proper and sufficient medicine and such medical and surgical appliances as may be prescribed by regulations of the Ministry of Health. The National Health Insurance Act, 1920, provides that this shall include treatment and attendance in respect of tuberculosis.

(b) Sickness, as per scale below, commencing on the fourth day.

(c) Disablement, as per scale below.

(d) Maternity payment of forty shillings to wife or widow. Sanatorium benefit ceased under the National Health Insurance Act, 1920, and is now provided by Local Authorities.

## Sickness and disablement benefit as from 1st July, 1918—

INSURED PERSON who has been insured and has paid contributions for	SICKNESS BENEFIT for twenty-six weeks		DISABLEMENT BENEFIT so long as rendered incapable of work by disease or disablement	
	Men	Women	Men	Women
Over 104 weeks	s d 15 0	s d 12 0	s d 7 6	s d 7 6
Under 104 weeks	s d 9 0	s d 7 6	s d 7 6	s d 7 6

Exempt persons are entitled to either medical benefit or a contribution towards cost of medical treatment

(2) Certain specified Additional Benefits, and others of the same character as those specified, may be declared by Approved Society showing a surplus after each quinquennial actuarial valuation, but no provision can be made for death benefits

(3) Extended Benefits may be declared after the process of the equalization of the contributions of persons entering into insurance one year after commencement of the Act is complete

8 APPROVED SOCIETIES include any society, organization, or body of persons with at least 5,000 members (societies with less membership may be grouped), approved by Commissioners under following conditions, viz—

(1) The section of its work which deals with State Insurance cannot distribute any of its surplus funds otherwise than as benefits, whether benefits under this Act or not, among its members

(2) No profit to be made out of this branch of its business

(3) Must be mutual so far as this branch of its business is concerned

(4) Affairs must be subject to absolute control of its members, and no honorary members to have right of voting on questions and matters arising under the Act

(5) Separate books and accounts to be kept and to be subject to Government audit

(6) Valuation of assets and liabilities by Government every five years, with right to declare additional benefits

(7) Must provide security to compensate Government against malversation or mis-appropriation by officials of the society or branch

9 FUNCTIONS OF APPROVED SOCIETIES include—

(1) Admission or rejection of any insured person or any person entitled to become insured

(2) Arranging for payment of sickness and disablement benefit direct to members or towards their maintenance in institutions

(3) Investment of one-half of the total reserve fund

10 INSURANCE COMMITTEE, being a body corporate with perpetual succession and a common seal, is elected for the area of every County and County Borough

(1) District Insurance Committee is elected for prescribed areas within the county, and in particular for—

- (a) each borough of 10,000 inhabitants,
- (b) each urban district of 20,000 inhabitants

(2) Constitution minimum 40, maximum 80 members, elected by—

- |  |        |
|--|--------|
| (a) Insured persons and deposit contributors   | 3/5ths |
| (b) County or County Borough (at least two women)  | 1/5th  |
| (c) (i) Medical Practitioners  | 2      |
| (ii) Doctors appointed by Council  | 1      |
| If total of Committee exceeds 60   | 2      |
| 15 80  | 3      |
| (iii) Remainder by Insurance Commissioners, at least one being a medical practitioner, and two being women | 1/5th  |

(3) Duties include—

- (a) Administration of medical benefit, including panels of doctors and pharmacists, and fixing income limit for contract
- (b) Arranging sanatorium treatment for insured persons and their dependents
- (c) Management of affairs of approved grouped societies
- (d) Administer funds of Deposit Contributors, and issue regulations respecting payment of their benefits
- (e) Collecting information and statistics of health of insured persons and making reports and returns, as may be required, by the Commissioners after consultation with the Ministry of Health
- (f) To demand inquiry by Secretary of State or Ministry of Health as to excessive sickness
- (g) Arrange lectures and publish information relating to health

(4) Finance includes—

- (a) Receipt and disbursement of all funds for Medical and Sanatorium Benefits, and General Purposes
- (b) Fund for General Purposes
- (c) Administration Funds.

11 ACCOUNTS AND AUDIT The Accounts of the Approved Societies and Insurance Committees are prescribed in detail and are subject to Audit by Treasury Auditors who have power of surcharge

12 SPECIAL PROVISIONS are made with respect to naval, military, and air services, mercantile marine, seasonal trades, certificated and other teachers, married women, deposit contributors, etc

## XXVII

### THE UNEMPLOYMENT INSURANCE ACTS, 1911 to 1920

1 ADMINISTERED by the Ministry of Labour through the Employment Exchanges

2 INSURED PERSONS as from 8th November, 1920, are all persons for whom Health Insurance contributions have now to be paid except outworkers and persons employed in agriculture and private domestic service. A distinction from Health Insurance is that workpeople over 70 will be insurable with certain exceptions

#### 3 EXEMPT PERSONS

(1) The employees of local authorities, railways and certain other public utility undertakings

(2) Persons with rights under a statutory superannuation scheme, if the Ministry of Labour certifies that they are not subject to dismissal except for misconduct, and are employed under conditions which make insurance unnecessary

(3) Workpeople over 70 who are Old Age Pensioners are excluded both as regards contributions and benefits

#### 4 CONTRIBUTIONS—

	From Employer	From Employee	Total
Men of 18 and over	4d	4d	8d
Women of 18 and over	3½d	3d	6½d
Boys of 16 and under 18	2d	2d	4d
Girls of 16 and under 18	2d	1½d	3½d

A full contribution is payable for each calendar week during which there has been any insurable employment

For every contribution paid in respect of men and women the State will contribute 2d and 1½d respectively, and proportionate amounts in the case of boys and girls

#### 5 BENEFITS

(1) In respect of each week following the first three days of any period of unemployment, 15s for men and 12s for women, or such other rates as may be prescribed either generally or for any particular trade or any branch thereof

(2) If below the age of eighteen, half the rate only is payable

## 6 CONDITIONS OF BENEFIT—

(1) Workman proves that not less than twelve contributions have been paid in respect of him

(2) That he has made application for benefit in the prescribed manner (*i.e.*, by presenting his book or card at the Employment Exchange) and proves that since date of the application he has been continuously unemployed

(3) That he is capable of and available for work but unable to obtain suitable employment

(4) That he has not exhausted his right to benefit

(5) That, if he has been required to attend at an approved course of instruction, he proves that he duly attended

It is provided, however, that an insured contributor shall not be deemed to have failed to fulfil the statutory conditions by reason only that he has declined—

(a) an offer of employment in a situation vacant in consequence of a stoppage of work due to a trade dispute, or

(b) an offer of employment in the district where he was last ordinarily employed at a rate of wage lower, or on conditions less favourable, than those which he habitually obtained in his usual employment in that district, or would have obtained had he continued to be so employed, or

(c) an offer of employment in any other district at a rate of wage lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and employees, or failing any such agreement, than those generally recognized in that district by good employers

## 7 LIMITATION OF BENEFITS—

(1) Not more than fifteen weeks or such other number of weeks as may be prescribed within any insurance year

(2) No workman shall receive more benefit than in the proportion of one week's benefit to every six contributions paid by him, or such other proportion as may be prescribed (in accordance with the 1918 Act) either generally or for any particular trade or branch thereof

8 DISQUALIFICATIONS FOR BENEFIT apply to an insured contributor who

(1) Has lost employment by reason of a stoppage of work which was due to a trade dispute at the factory, workshop, or other premises at which he was employed

(2) Ceases his employment through his misconduct or who voluntarily leaves his employment without just cause

(3) Is an inmate of any prison or workhouse or who is resident outside the United Kingdom or is in receipt of sickness benefit or of an old age pension or benefit under a special scheme

(4) Has had no contributions paid during any insurance year (unless the non-payment of contributions was due to his being sick) Such person is disqualified from receiving unemployment benefit until twelve contributions, exclusive of any contributions paid in respect of him before that year, have been paid in respect of him

(5) Has had no contributions paid during a period comprising five insurance years, if contributions are subsequently paid in respect of him, is treated as if he had not previously been an insured contributor

#### 9 DECISIONS ON CLAIMS—

(1) The decision on a direct claim to benefit is given in the first instance by an insurance officer

(2) An insured contributor whose claim to benefit has been disallowed will have an appeal to a Court of Referees

(3) In certain cases a further appeal lies to the Umpire appointed by the Crown, whose decision will be final

#### 10 REFUND OF WORKMEN'S CONTRIBUTIONS—

(1) On reaching the age of sixty, or in the event of death after that age, and having paid at least five hundred contributions (Special provision is made for workmen entering employment when exceeding fifty-five years).

(2) Workman or his representative may withdraw his own part of the contributions that have been paid in respect of him, with  $2\frac{1}{2}$  per cent interest

(3) If workman has drawn benefit less than the amount of those contributions, then he draws the balance with interest thereon

(4) Does not apply to munition workers as defined in paragraph 4

11 ARRANGEMENTS WITH ASSOCIATIONS AND SOCIETIES Ministry of Labour may make arrangements with such Associations to repay, periodically, to the Association the equivalent of such sum which workmen would have received from the Unemployment Fund where such benefit is paid to workmen by the Association

Ministry of Labour may refund under special provisions to any Association of persons which provide for payments to persons whilst unemployed, whether workmen in an insured trade or not, not exceeding one-sixth of the aggregate amount expended during any prescribed period



## 12 SPECIAL PROVISION FOR H M FORCES

Provision is made for persons serving in the Navy, Army or Air Forces under which they are credited on discharge with 90 contributions, in respect of which they will be entitled to draw 15 week's benefit during unemployment

## 13 SPECIAL SCHEMES FOR INDUSTRIES—

(1) Industries which are willing and able to do so may, with the approval of the Ministry of Labour, contract out of the scheme of insurance by setting up special schemes of their own, giving equal or superior advantages

(2) If desired two or more industries may combine to set up a special scheme

(3) Special schemes will be administered by a Joint Board of Managers representing employers and employed on behalf of the industry or industries concerned

(4) The form and amount of the contributions and benefits will be determined in the scheme itself, and need not be the same as those laid down in the general scheme

14 SUPPLEMENTARY SCHEMES may be set up by an industry which remains under the general scheme in order to provide additional benefits, including payment for short time and the three waiting days

15 UNEMPLOYMENT FUND is established under the control and management of the Government, out of which Fund all payments under the Act are made

## XXVIII

### LONDON

THE Local Government of London is specially organized as follows—

1—County Council consisting of 124 elected members, two from each of the sixty Parliamentary Divisions, and four from the City of London, together with twenty aldermen

The franchise on which the councillors are elected is now the same as that applicable to other local government authorities. The Council has a Chairman, a Vice-Chairman, and a Deputy Chairman. The Council usually meets weekly.

1 POWERS AND DUTIES are somewhat similar to those of a large provincial County Borough, and include—

(1) Maintains the main sewerage system, the fire brigade, the Thames Embankment, bridges (except those of the City Corporation), tunnels and ferries, parks and open spaces

(2) Administers the whole of the education for the metropolis

(3) Executes street improvements and administers the Building Acts, and (concurrently with the Metropolitan Borough Councils) the Housing Acts

(4) Provides reformatories and lunatic asylums and inebriates' homes

(5) Controls Metropolitan Councils by approval of by-laws and by loans

2 COMMITTEES are appointed of a character similar to those described in Chapter VIII relating to County Councils

3 OFFICERS include those appointed by provincial Councils, (*see* Chapter VI), together with a Comptroller, Valuer, Solicitor, Chief Officer of Public Control Department, Statistical Officer, and Clerk of Asylums Committee

4 RATES Obtained by issue of precepts upon the Metropolitan Borough Councils. By an equalization scheme the Council has power to spread rateably over the whole county a certain portion of the amounts expended on sanitary matters by all the London authorities

5 ACCOUNTS are audited by the District Auditor of the Ministry of Health

6 GREATER LONDON The London County Council, on 4th March, 1919, passed a resolution requesting the Local Government Records and Museums Committee to consider and report as to

the desirability of pressing the Government to institute an enquiry into this question

### II—Metropolitan Borough Councils

1 There are twenty-eight Metropolitan Borough Councils, constituted by the London Government Act, 1899

2 COUNCIL consists of Mayor, Aldermen and Councillors

(1) Councillors in the different boroughs vary in number, and are elected triennially in wards by local government electors, all retiring at the same time

(2) Aldermen number one-sixth the number of Councillors, and are chosen by Councillors for six years, one-half of such Aldermen retiring triennially

3 MEETINGS are usually held once a month

4 COMMITTEES—These are appointed as in provincial councils (*See* Chapter VI)

5 POWERS AND DUTIES, similar to those in provincial boroughs, as to which *see* Chapter VI, and in addition—

(1) Responsible for maintenance of streets and drainage other than main sewers

(2) Provide libraries, baths and wash-houses, burial grounds, museums, gymnasia and trading undertakings

(3) Enforce laws against overcrowding, food adulteration, nuisances and insanitary conditions, and (concurrently with the County Council) the Housing Acts

(4) Prepare valuations for the assessment of rates (as described in section on Overseer of the Poor)

6 OFFICERS are similar to those in provincial boroughs

7 RATES Collect the rates for all the other London bodies, which issue precepts on the Borough Councils for the requirements of the latter, as well as for themselves

8 ACCOUNTS are made up annually and audited by the District Auditor of the Ministry of Health

III—The City Corporation is under the control of the Court of Aldermen, the Court of Common Council, and the Common Hall

1 THE COURT OF ALDERMEN consists of the Lord Mayor and Aldermen. It is the only surviving example in England of a municipal second chamber. It makes the final selection of the Lord Mayor from the two nominees of the Court of Common Hall, usually the one of longest standing who has not already passed the Chair

2 THE COURT OF COMMON COUNCIL is the main legislative and executive body, and consists of the Lord Mayor, 26 Aldermen, and 206 Common Councillors

(1) The Common Councillors are chosen annually in different proportions in the twenty-six wards by the City electors, being persons who have a property qualification in the City

(2) Aldermen are elected for life by each ward, one for each of twenty-four wards. Two wards elect one between them, and the remaining Alderman sits for the nominal Ward of Bridge-Without

(3) Lord Mayor is chosen annually by the Court of Aldermen from two aldermen nominated by the Liverymen in the Court of Common Hall (*See par 6 below*)

3 POWERS AND DUTIES of the Court of Common Council include all the powers possessed by the Metropolitan Borough Councils and

(1) Control of its own Police Force

(2) Sanitary authority for the Port of London

(3) Maintains the City Bridges, West Ham Park, Epping Forest

(4) Jurisdiction over all markets within seven miles of its boundary

(5) Provides its own lunatic asylum

(6) Administers the extensive trust funds

(7) Maintains the Lord Mayor's Court and the City of London Court for civil purposes

(8) Criminal jurisdiction is administered in its own Police Courts, held daily at the Mansion House and Guildhall, presided over by the Lord Mayor and Aldermen sitting in turn

4 MEETINGS are usually held every fortnight

5 COMMITTEES are appointed as in the case of provincial Boroughs (*See Chapter VI*)

6 THE COURT OF COMMON HALL is an assembly of the Lord Mayor, Aldermen, Sheriffs, and all the "liverymen" members of the City Companies, which are the survivors of the ancient Guilds. Nominates two Aldermen for office of Lord Mayor, who are submitted to the Court of Aldermen for final selection

#### IV—Metropolitan Asylums Board

1 Consists of seventy-three members, of whom fifty-five are elected by the Metropolitan Boards of Guardians, and eighteen members are nominated by the Ministry of Health. It was established in 1887

2 DUTIES include maintenance of—

(1) Isolation hospitals for London for pauper and non-pauper cases alike

(2) Sanatoria and hospitals for tuberculous patients whether insured persons under the National Insurance Acts or otherwise

(3) Ambulance service for the removal of patients

- (4) Asylums for mentally defective, as distinct from lunatics
- (5) Training ship for boys for sea service under Metropolitan Poor Amendment Act, 1867
- (6) Sick and Convalescent Children of various classes under the poor law
- (7) Casual poor including the maintenance of the casual wards administered prior to 1st April, 1912, by the separate boards of guardians
- (8) Institutions for parturient women suffering from venereal disease
- (9) Hospitals for treatment of certain cases of ophthalmia neonatorum
- (10) Colony and home for sane epileptics

#### V —Metropolitan Board of Guardians

There are thirty unions for Poor Law purposes. The Common Poor Fund for the equalization of the rates for the relief of the poor is administered by the Ministry of Health.

#### VI —Metropolitan Water Board.

1 CONSTITUTED under the provisions of the Metropolis Water Act, 1902

2 BOARD consists of representatives of the local authorities concerned, including—

- (1) London County Council, and five other County Councils
- (2) Metropolitan Borough Councils and the City of London
- (3) Boroughs and urban districts served by the Water Board

3 DUTIES consist in administering the undertakings of the eight Metropolitan Water Companies which were expropriated under the terms of the Act

#### VII —Central (Unemployed) Body

Constituted under the Unemployed Workmen Act, 1905, for the purpose of administering that Act as dealt with in Chapter XXII

## XXIX

### SCOTLAND

THERE are six classes of Local Authorities in Scotland, viz —

Burghs, Education Authorities, Parish Councils, Landward (Rural) Parish Councils, County Councils, District Joint Committees. There are no Urban or Rural District Councils or Overseers in Scotland.

I —Burghs, which are the equivalent of the provincial Boroughs in England and Wales, are of three classes, viz —

(1) Royal Burghs, incorporated by Royal Charter.

(2) Parliamentary Burghs, created under the Reform Act of 1832, and received the right of sending members to Parliament.

Broadly speaking Royal and Parliamentary Boroughs correspond to County Boroughs in England and Wales. They are independent of the County Council.

(3) Police Burghs consist of towns of 7,000 inhabitants and upwards, formed under the Police Acts. Roughly, they are the equivalent of the urban districts and non-county borough councils in England and Wales.

THE BURGH COUNCIL consists of the Provost, Bailies, and Councillors. The Provost and Bailies are elected in the usual way, and are afterwards appointed to their respective offices by the Council. Women may be elected.

(a) PROVOST, who is the equivalent to the Mayor in England and Wales, holds office for three years.

(b) BAILIES, equivalent to Aldermen in England and Wales, retain office for the same period as originally elected. They are magistrates, and in towns of over 7,000 inhabitants they constitute the Licensing Bench.

(c) COUNCILLORS are elected as in the case of England and Wales every November, and hold office for three years, one-third retiring annually.

COMMITTEES are appointed, the Chairmen of which are termed Conveners, except only the Dean of Guild, Chairman of the Dean of Guild Court, by which the Building Acts are administered, which is both a Committee of the Council and an ancient Court of the Realm.

II —Education Authorities, which were created by the Education (Scotland) Act, 1918, administer elementary and secondary education. There is one for each county and for each of the burghs of Glasgow, Edinburgh, Aberdeen, Dundee and Leith. They are elected triennially on the single transferable vote system of proportional representation. There are also School

Management Committees subordinate to the Education Authorities. The duties of the latter include other functions besides those performed by the former School Boards including—

- (1) Compulsory attendance from 5 to 15 years,
- (2) Compulsory attendance at Continuation Schools to 17 years,
- (3) Provision of food, clothing and bursaries,
- (4) Institution of Nursery Schools

III—Parish Councils, which are the equivalent of the Board of Guardians in England and Wales, administer the Poor Law in urban areas. In the large areas such as Glasgow, Edinburgh, and Govan, they also under the name of the Board are responsible for the well-being of all the lunatics, insane, and feeble-minded persons within their boundaries. In smaller areas and rural districts there is a combination of districts in the county area for this purpose. The Parish Councils are elected in the same way as the Guardians are in England. In Scotland an able-bodied man in health has no legal right to relief. Fundamentally the English and Scottish Poor Laws are the same, as a man who is destitute will not long remain able-bodied.

IV—Landward (Rural) Parish Councils are peculiar to Scotland. They are general local authorities with the duty of giving Poor Relief.

Each Parish Council is the assessing authority for parochial rates.

V—County Councils, which are the equivalent of the County Council in England and Wales, are elected under the same system as the Town and Parish Councils. They have charge of the roads, bridges, public health, police, etc., but no control over Royal Burghs or Burghs with 20,000 population.

VI—District Joint Committees are peculiar to Scotland. They are composed of representatives from the Parish and County Council and exist in populous rural districts. Their chief function is the administration of Public Health, Water and Lighting Acts. They are limited as to expenditure to an assessment of 9d. in the £ of rental.

QUALIFICATIONS. The County, Town, and Parish Councils (Qualification) (Scotland) Act, 1914, provides that any person, of either sex, of full age, and not subject to any legal incapacity shall be qualified to be elected a councillor. This qualification being in addition to any other qualification.

POWERS AND DUTIES of the various authorities are very much the same as those of the analogous authorities in England and Wales.

CENTRAL CONTROL is in the hands of the Secretary for Scotland, the Scottish Board of Health and the Scottish Education Department.

## XXX

### IRELAND

I.—THE LOCAL GOVERNMENT (IRELAND) ACT, 1919, has made considerable alterations in the law relating to Local Government in Ireland

1 AT A CONTESTED ELECTION of members of a local authority for any local electoral area, any election of the full number of members for the area shall be according to the principle of proportional representation, each elector having one transferable vote as defined in the Act

2 ELECTORAL AREAS are established by Order of the Ministry of Health so as to constitute—

(a) In every county, county electoral areas for the election of county councillors,

(b) In every rural district, district electoral areas for the election of rural district councillors (There are no Parish Councils or Parish Meetings as in England and Wales)

(c) In every borough, borough electoral areas for the election of aldermen and councillors,

(d) In every urban district, not being a borough, district electoral areas for the election of urban district councillors,

(e) In so much of every union as is situated in an urban district, poor law electoral areas for the election of guardians,

(f) In every town, town electoral areas for the election of town commissioners

3 ALL the aldermen and councillors of any borough and all the councillors for any other urban district and all the commissioners for any town went out of office in 1920, and their places were filled by newly-elected aldermen, councillors and commissioners

4 IN EVERY URBAN DISTRICT not being a borough and in every town the councillors and commissioners shall all be elected triennially

5 IN EVERY BOROUGH the term of office of an alderman shall be three years, and the aldermen and councillors shall all be elected together triennially and shall retire together

6 AT AN ELECTION of the full number of aldermen and councillors the number elected shall be the aggregate of the aldermen and councillors assigned to the area, and the first and every other candidate declared elected shall be declared to be alderman



or aldermen until the number of aldermen is completed and the remaining candidates declared to be elected shall be the councillors for the area. The franchise is similar to that of Parliament with the addition of Peers. Clergy cannot be elected to any body. Women, since 1911, are not disqualified by sex or marriage from being councillors or aldermen.

II—THE MINISTRY OF HEALTH ACT, 1919, conferred the title of Minister of Health for Ireland upon the Chief Secretary. It is his duty as such Minister to secure the preparation, effective carrying out and co-ordination of measures conducive to health. For the purpose of giving advice and assistance and making proposals a council shall be established called the Irish Public Health Council consisting of—

(a) The Vice-President and the two other Commissioners of the Local Government Board for Ireland,

(b) The Chairman and such two others of the Irish Insurance Commissioners as may be nominated by the Chief Secretary,

(c) The Registrar-General of Births, Deaths and Marriages in Ireland,

(d) A registered medical practitioner, who shall act as Chairman and three other registered medical practitioners, one of whom shall be a woman and one of whom shall be a medical practitioner who is registered in the respect of a diploma in sanitary science, public health or State medicine,

(e) Six other persons having practical experience of matters relating or incidental to or affecting the health of the people.

Formerly most of the work in connection with public health has fallen within the spheres of the Local Government Board, the Insurance Commission, and the Registrar-General. The new council will co-ordinate this.

III—THE HOUSING (IRELAND) ACT, 1919, proposes to deal with Ireland's urban problems. Rural problems were dealt with in 1883, by the Act of 1890, by the Clancy Act of 1908, the Bryce Act of 1906, and the Burrell Acts of 1911 and 1914. Under the 1919 Act local authorities are to submit housing schemes for the approval of the Local Government Board. When carried into effect, and the houses let, the Exchequer will give a subsidy of 25s—or in exceptional cases 27s 6d—for every 20s paid by the tenants. The local authorities must comply with certain specifications and any evidence of mismanagement will result in a loss of subsidy.

#### IV—EDUCATION

(1) *Elementary Education* is in the hands of a National Board

which was established in 1831. It consists of twenty gentlemen selected for denominational and political reasons—half Catholic and half Protestant.

(2) *Secondary Education* is controlled by the Board of Intermediate Education which was established in 1878.

(3) *Technical Education* was introduced by the Agriculture and Technical Instruction Act of 1899. It provided for the establishment in every county borough, county, and urban district of a Committee to draw up and administer schemes of technical instruction. Power was given to local authorities to raise a rate of 1d in the £ for technical instruction in addition to the power to raise a rate of 1d under the Technical Instruction Act, 1889.

V —BOARDS OF GUARDIANS administer the Poor Law and a Free Service of Medical Treatment which is available for paupers and non-paupers.

VI —COUNTY COUNCILS which, in addition to their other duties, levy on the ratepayers the Poor Rate to meet all the expenses of local government.

VII —FUNCTIONS follow generally on the lines of the similar authorities in England and Wales.

VIII —CENTRAL CONTROL is in the hands of the Chief Secretary to the Lord-Lieutenant of Ireland. He is assisted by the Boards referred to above with headquarters in Dublin.

# XXXI

## SOCIAL SERVICE

### WAR CHARITIES AND PENSIONS

1 THE IDEAL OF LIFE should be to make service rather than success the first aim. Service entails sacrifice. Many of our citizens are willing to give of their best and the following brief summary is intended to direct them to the attainment of their object.

2 THE NATIONAL COUNCIL ON SOCIAL SERVICE, formed in July, 1915, has for its object the development and co-ordination of social service. The Secretary is Captain L. F. Ellis, D.S.O., M.C., Ministry of Health, Whitehall, London, S.W.1. The intention is to organize voluntary social work throughout the country, so as to secure complete co-ordination and with that object to form—

3 LOCAL REPRESENTATIVE COUNCILS coinciding generally with local government areas, to co-ordinate voluntary and official social work, to promote such new efforts as may seem advisable, and to promote the training of social workers as recommended by the Joint University Committee on Social Service.

4 BOARD OF EDUCATION JUVENILE ORGANIZATIONS COMMITTEE has been established to assist work among juveniles by Local Representative Committees. The Organizing Secretary is Mr. C. E. Chft, Board of Education, Whitehall, London, S.W.1.

5 SOCIAL SERVICE forms an attractive form of citizenship, and the reader is directed to the preceding chapters for any details which may be required in respect to the subject of interest. In compiling the following list it has been presumed that the worker does not desire to seek the suffrages of the electors.

	Chapter
(1) Parish Council.—Chairman may be elected from outside	IV
(2) District Council Do. do	V
(3) Justice of the Peace —Appointed by the Crown	VII
(4) Overseers of the Poor —Appointed by Parish Council or Meeting or Justices	IX
(5) Public Health —Membership of Maternity and Child Welfare Committee (at least two women)	XI
(6) Housing —Demand for Improvement or Reconstruction Scheme by six ratepayers. Report on any house by four or more householders.	XIII
Membership of Housing Committee	

Chapter

- |  |        |
|--|--------|
| (7) Town Planning—Anyone may make representation for a scheme  | XIV    |
| (8) Adoptive Acts—Baths and Washhouses Acts and Public Libraries Acts, ten electors may requisition  | XV     |
| Small Holdings and Allotments—Any six parliamentary electors or ratepayers may make representations  |        |
| (9) Special Constables—Appointed in emergencies  | XVII   |
| (10) Education Committee Co-option by Council, Managers and Correspondents of Elementary Schools Choice of Employment—Membership of Advisory and After-care Committees   | XVIII  |
| (11) Children Act—Voluntary Infant Life Protection Visitors  |        |
| Visitors to institutions for reception of poor children, and young persons   | XIX    |
| Management of Reformatory and Industrial and Truant Schools  |        |
| Probation officers for juvenile offenders  |        |
| (12) Mental Deficiency—Committee for the Care of the Mentally Defective  | XX     |
| (13) Board of Guardians—Chairman, deputy-chairman, and two members may be co-opted by the Board  | XXI    |
| (14) Unemployed Workmen Act—Membership of Distress Committee   | XXII   |
| (15) Old Age Pensions—Membership of Local Pension Committee  | XXIII  |
| (16) Employment Exchanges—Membership of Advisory Committees and After-Care Committees  | XXIV   |
| (17) Trade Boards  | XXV    |
| (18) National Health Insurance—Membership of Insurance Committee   | XXVI   |
| (19) Unemployment Insurance—Court of Referees  | XXVIII |
| (20) War Charities Committee   | XXXI   |
| (21) Local Pensions Committee  | XXXI   |
| (22) Personal Service In particular there are many opportunities in addition to those mentioned above whereby the citizen may render service as member of Guild of Help, Council of Voluntary Aid, Personal Service Committee, etc |        |

# 6 WAR CHARITIES ACT, 1916

This Act was the immediate outcome of a special committee appointed in April, 1916, by the Home Secretary, "To consider

representations which have been made in regard to the promotion and management of charitable funds for objects connected with the War, and to advise whether any measures should be taken to secure better control or supervision of such funds in the public interest "

(1) The Act provides that it shall not be lawful to make any appeal to the public for donations or subscriptions to any war charity unless the charity is registered under this Act

(2) The registration authority shall be—

(a) As respects the City of London, the Mayor, Aldermen, and Commons of the City of London in common council assembled

(b) as respects a municipal borough or urban district, the Council of the borough or district,

(c) elsewhere, the County Council,  
and any such Council may act through a committee which may comprise persons (including women) who are not members of the Council

(3) Charities registered under the Act shall—

(a) Be administered by a committee or other body of not less than three persons

(b) Keep proper books of accounts, audited at such intervals as may be prescribed

(c) Keep separate account at such bank or banks as may be specified

(d) Furnish to the registration authority or the Charity Commissioners such particulars as may be required, and keep books of accounts open to inspection

(4) The Charity Commissioners may make regulations respecting the above matters

## 7 NAVAL AND MILITARY WAR PENSIONS, ETC., ACT, 1915

Amended by the Naval and Military War Pensions, etc., Act, 1916, Naval and Military War Pensions, etc (Transfer of Powers) Act, 1917, and the Naval and Military War Pensions, etc (Administrative Expenses) Act, 1917

(1) *Objects* For purposes relating to pensions and grants and allowances made in respect of the war to officers and men, their wives, widows, children, and other dependents, and the care of officers and men disabled

(2) *Local War Pensions Committees* established for—

(a) Every county and county borough

(b) Every borough or urban district having a population of not less than fifty thousand, the Council of which so desires

(c) Any other borough or urban district for which the central authority, on the application of the council thereof, considers it desirable

(d) Any borough or urban district having a population of less than fifty thousand and not less than twenty thousand, the Council of which so desires

(3) *Constitution of Local War Pensions Committees* under a scheme framed by the Council and approved by the central authority, but every such scheme shall provide for the

(a) appointment by the Council of at least a majority of the local committee, but the members so appointed need not be members of the Council, and

(b) appointment by the local committee from amongst their number of a chairman, and

(c) inclusion of women and representatives of labour among the members of the local committee

(4) *Functions of Local War Pensions Committees*—

(a) Pensions

(b) Treatment either at home or in hospital (the question of place depends upon the opinion of the Medical Referee)

(c) Gratuities to which the man is entitled but which have not been forwarded

(d) Grants for different purposes

(e) Assisting in cases of appeals against assessments

(f) Assisting applicants for alternative pensions

(5) *Central Administration* was transferred to the Ministry of Pensions as from 15th February, 1917, in accordance with the Ministry of Pensions Act, 1916.

(6) *War Pensions (Administrative Provisions) Act, 1919* makes further provision for the administration of War Pensions and Grants. In particular the Act provides for

(a) Administration of pensions, etc., under injuries in the War (Compensation) Acts,

(b) Power to obtain further information from employers,

(c) Extension of power to pay persons in advance,

(d) Further provision with regard to audit,

(e) Provision in case of transference of powers as to training,  
etc

(f) Statutory right to pensions,

(g) Establishment of Pension Appeal Tribunal

# THE RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920

1 THE FIRST Increase of Rent and Mortgage Interest (War Restrictions) Act, was passed in 1915, and amending acts were passed in 1917 and 1919. The most important of these Acts expired in July, 1920. The Government appointed a Committee, of which Lord Salisbury was chairman, to consider and advise upon the matter. A comprehensive report was issued, the principal recommendations of which are included in the new Act.

2 THE ACT came into operation from 2nd July, 1920. It applies to England and Wales, and with modifications to Scotland and Ireland.

3 SECURITY OF TENURE is given to tenants of houses or part of a house let as a separate dwelling within specified standard rentals for a period of three years ending 24th June, 1923, with the exception of houses erected after or in course of erection on 2nd April, 1919, or houses re-constructed into two or more self-contained flats or tenements.

4 STANDARD RENT means the annual rent paid for a house or part of a house on 3rd August, 1914, or if built since, the rent for which it was first let. Where rateable value was higher then the rateable value is the standard rent. The Act applies where the rent or rateable value does not exceed

(a) in the Metropolitan Police District including therein the City of London	£105 <sup>9</sup>
(b) in Scotland	£90
(c) elsewhere	£78

A statement as to what is the Standard Rent can be demanded from the landlord, and must be stated on demand for increased rent.

5 INCREASES OF RENTS above the standard rent may be made for—

(1) Interest on Improvements or Structural alterations 8 per cent after the Act, 6 per cent before the Act.

(2) Increase of Rates above those of 3rd August, 1914, including water rents and charges.

(3) An increase equivalent to 15 per cent of net rent, but if previous Acts did not apply 5 per cent for the first year and 10 per cent for the second year.

(4) 25 per cent of net rent if landlord is responsible for repairs required for the purpose of keeping premises in good and tenantable repair.

The tenancy must be determined before any question of increasing the rent can arise, and no increase is permitted until after four clear weeks, any transfer of burden or liability to tenant is treated as an alteration of rent unless rent is reduced accordingly

EXAMPLE —House let 3rd August, 1914, at 10s weekly, landlord paying rates say on assessment of £20 at 7s in the £ and responsible for repairs

Standard Rent, August 1914	£	s	d
	26	0	0
Net Rent being Standard Rent less rates, viz, £20 at 7s in the £	7	0	0
Net Rent is therefore	19	0	0
	£	s	d
Standard Rent, 3rd August, 1914	26	0	0
Rates are now say 20s in the £ on assessment of £20	£20		
Deduct Rates 3rd August, 1914	£7		
		= 13	0 0
5% Increase of Net Rent as Clause (3) above		19	0
25% " " " (4) "		4	15 0
Total Gross Rent	44	14	0

Disputes as to the amount of increase of rent are to be determined by the County Council, whose decision shall be final

6 No ORDER FOR THE EJECTMENT of a tenant will be made unless—

- (1) Rent lawfully due has not been paid, or
- (2) Any obligation of the tenancy has been broken or not performed, or
- (3) The tenant, or any person residing with him, has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or
- (4) Has been convicted of using the premises, or allowing them to be used, for an immoral or illegal purpose, or
- (5) The condition of the house has in the opinion of the Court deteriorated owing to acts of waste, neglect or default of the tenant or any such person, or
- (6) The tenant has given notice to quit and the landlord has in consequence contracted to sell or let the dwelling-house

The landlord may secure possession where—

- (a) the dwelling-house is reasonably required by him as a



residence for himself or for any person *bona fide* residing or to reside with him,

(b) required for some person in whole time employment of the landlord, or

(c) in the employment of some tenant from him—the landlord

7 RATE OF INTEREST may be increased by an amount not exceeding one per centum per annum, subject to a proviso that the increase during a period of one year after the passing of the Act shall not exceed one-half per centum per annum, and subsection I of section 3 of the Act provides that "nothing in this Act contained shall be taken to authorise any increase in the rate of interest on a Mortgage except in respect of a period during which, but for this Act, the security could be enforced." By Section 7 of the Act, it is provided that it shall not be lawful for any Mortgagee under a Mortgage to which the Act applies, so long as (among other things) interest at the rate permitted under the Act is paid and is not more than 21 days in arrear, to call in his Mortgage, or to take any steps for exercising any right of foreclosure, or sale, or for otherwise enforcing his security, or for recovering the principal money thereby secured

### HINTS TO MEMBERS OF LOCAL AUTHORITIES

1 *When first elected* it is desirable to get to know the Standing Orders governing the business of the local authority. There should be Standing Orders for all authorities.

2 *Attend the Committee Meetings* regularly. It is here that the principal business is transacted, and close attention to this will often save unnecessary speeches and questions in Council. Try to secure appointment upon Committees upon whose work you are competent to advise to the best advantage.

3 *Finance Committees* should be appointed for all authorities. The Chairman and one other member of each Committee should be elected thereon. All financial matters should stand referred to the Finance Committee before coming before the Council.

4 *Estimates* should be prepared for either six months or twelve months. Statements of the income and expenditure or receipts and payments against such estimates should be submitted periodically, e.g., quarterly.

5 *Separate Bank Accounts* should be kept for each class of undertaking, e.g., Allotments or Adoptive Acts in the case of a Parish Council, Housing or Private Street Works in the case of a District Council. Standing Orders should provide that the bank pass books together with reconciliation statements should be laid on the table at all meetings of the Council or Finance Committee.

6 *The same official* should not be responsible for receiving *and* accounting for money, or for certifying *and* paying accounts. Even in the smallest authorities this can invariably be avoided.

7 *Stock Accounts* should be kept of all materials. It is often forgotten that stocks of materials constitute a very important part of the assets of local authorities. A storekeeper will in many cases save the amount of his salary by economy in control of stores. He should be responsible to the clerk, treasurer or accountant and not to the official who uses the material, *e.g.*, the surveyor.

8 *A System of Return Sheets* of work done will constitute a rough but very efficient method of controlling the administration of a Works Department. Costing Accounts should be in operation in all large authorities.

9 *Officials* should be encouraged to make themselves more efficient by studying for and passing the various professional examinations. An addition to the salary for such qualification will prove a great incentive to study.

10 *Appointments by open competition* especially among members of the junior staffs should be developed and will prevent much "log rolling" and tend to efficiency in administration.

11 *Make yourself familiar* with all new legislation affecting your local authority. Call for a report upon all new Acts of Parliament. It will result in the staff becoming familiar with it as well as yourself.

12 *Specialize* in one direction, besides keeping in touch with the work of the authority, *e.g.*, Education, Child Welfare, etc. Find out what your authority has done and avail yourself of the assistance of the officials concerned.

13 *Works Departments* may be developed to great advantage especially in large and growing districts.

14 *Report* at frequent and regular intervals to the electors. Familiarize them with the work of your authority. Where possible take them, in parties, over the undertakings. These are the property of the electors, and the more they see of them the more they will appreciate your services.



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# INDEX

- ACCOUNTS 23, 24, 28, 32, 38, 44,  
 47-49, 73, 86, 87, 88, 91, 94,  
 107-108, 113, 114  
 Approved societies, 107, 108  
 Borough, 32  
 County, 38  
 Education, 32, 73  
 Inspection, 47  
 Insurance Committees, 108  
 Lancashire Asylums Board, 87  
 London County Council, 113  
 Lunacy Acts, 86  
 Mental Deficiency Act, 88  
 Metropolitan Borough Council,  
 114  
 Overseers, 44  
 Parish Council, 24  
 „ Meeting, 23  
 Poor law, 49, 91  
 Publication, 47-48  
 Rural district, 28  
 Systems, 45-47  
 Unemployed Workmen Act, 32,  
 94  
 Urban district, 28  
 Acquisition of Land (Assessment  
 of Compensation) Act, 60  
 Administrative County, 36  
 Admission of the Press to Meet-  
 ings Act, 13  
 Adoptive Acts, 64-65  
 Adult education, 80-81  
 After-care committees, 98-99  
 Agricultural Wages Board, 102-  
 103  
 Agriculture and Fisheries Minis-  
 try of, 16, 102-103  
 Agriculture, Development of, 17  
 Aldermen  
 Borough, 30  
 County, 36  
 Ireland, 119-120  
 London City Corporation, 114-  
 115  
 London County Council, 113  
 Aldermen (*contd*)—  
 Metropolitan Borough Council,  
 114  
 See also Bailies  
 Allotments, 65  
 Appeals, Valuation, 41, 42-43  
 Approved societies, 107  
 Arbitration Housing and land,  
 59, 60-61  
 Assessment, Poor Law, 89  
 Assistance, Public, 12, 13, 39-44,  
 48, 85, 89-92, 118, 121  
 Asylums, 85, 87, 115-116  
 Attendance, School, 76, 78  
 Audit 23, 24, 28, 32, 38, 44,  
 48-49, 73, 86, 87, 91, 94,  
 107-108, 113, 114  
 Approved societies, 107-108  
 Borough, 32  
 County, 38  
 Education, 32, 73  
 Insurance Committees, 108  
 Lancashire Asylums Board, 87  
 London County Council, 113  
 Lunacy Acts, 86  
 Metropolitan Borough Council,  
 114  
 Overseers, 44  
 Parish Council, 24  
 Parish Meeting, 23  
 Poor Law, 49, 91  
 Rural district, 28  
 Unemployed Workmen Act, 32,  
 94  
 Urban district, 28  
 Auditor  
 District, 49  
 Elective, 32  
 BAILIES, 117  
 See also Aldermen  
 Bank accounts, 128  
 Banks, 67  
 Baths, 64  
 Begging, 92



- Benefits  
 National Health Insurance, 106-107  
 Unemployment Insurance, 109-111, 112  
 Bibliography, 131-141  
 Birmingham Savings Bank, 67  
 Births registration, 15  
 Blind, the Old Age Pensions, 97  
 Board of Guardians *see* Guardians  
 Bonds, Housing, 58  
 Borough, 29-33  
 Council, 12, 30-32, 114-115  
 County, 33  
 Police, 68  
 Special types of, 32-33  
*See also* Burgh  
 Boys, *see* Juveniles  
 Bridges, 56  
 Brothels, 82  
 Burgess, 29-30  
 Burgh, 117  
*See also* Borough  
 Burial grounds, 64  
 Burial of lunatics, 87  
 Burning, Risk of, 82  
 By-laws, Approval by Home Office, 16  
 CAMPS, 78  
 Carnal knowledge girls, 82  
 Census, 15  
 Central Control Board (Liquor Traffic), 17  
 departments of State, 14-18  
 government and local government, 11-12  
 (Unemployed) Body, 116  
 Chairman  
 County Council, 36  
 District Council, 26  
 Charities, 16-17, 91, 92, 123-124  
 Charity Commissioners, 16-17  
 Child Definition, 82  
*See also* Juveniles  
 Children Act, 1908, 82-84, 89  
 Choice of Employment Act, 99  
 Cities, 33  
 City Corporation, London, 114-115  
 City, Counties of, 33  
 Commerce and Industry, Dept of, 15  
 Commercial education, 71  
 Commissioners  
 Ireland, 119  
 Lunacy Acts, 85  
 Mental Deficiency Act, 86  
 Committees, 13, 31, 37, 60, 72, 85, 87, 92, 93-94, 107-108, 117  
 Borough, 31  
 County Council, 37  
 Distress, 93-94  
 Education, 72  
 for the Care of the Mentally Defective, 87  
 Housing, 60  
 Insurance, 107-108  
 Meetings, 128  
 Scotland, 117  
 Visiting Lunatics, 85  
 Voluntary aid, 92  
 Common Council, London, 114-115  
 Common Hall, London, 115  
 Compensation Housing and land, 59, 60-61  
 Competitive appointments, 128  
 Competitive value rate valuation, 41-42  
 Compulsory School attendance, 76, 78  
 Constables, 68-70  
 Consultative Councils, Ministry of Health, 15  
 Continuation schools, 71, 76-77  
 Contributions  
 National Health Insurance, 105-106  
 Unemployment Insurance, 109  
 Refund, 111  
 Control Board, Central, Liquor Traffic, 17  
 Control, Board of (Mental Deficiency), 17  
 Corn Production Act, 102-103  
 Corporation  
 City of London, 114-115  
 Municipal, 29  
 Councils *See under Specific Names, e.g.*, Borough Council

Councillors, 22, 30, 36, 113, 114-115, 117, 118, 119-120  
 Borough, 30, 114-115  
 County, 36  
 District, 26-27  
 Ireland, 119-120  
 London City, 114-115  
 London County, 113  
 Metropolitan Borough, 114  
 Municipal, 30, 114-115  
 Scotland, 117, 118  
 County, 12, 33, 36-38, 113, 118, 121  
 Borough, 33 *See also* Parliamentary Burgh, Royal Burgh  
 County Council, 12  
 Ireland, 121  
 London, 113  
 Scotland, 118  
 County Police, 68  
 Court of Aldermen, 114, 115  
 — Common Council, 114-115  
 — Common Hall, 115  
 Courts, Police, 84  
 Cruelty to children and young persons, 82-83

DAIRIES, 52-54  
 Day continuation schools, 71  
 Day industrial schools, 83-84  
 Deaths registration, 15  
 Declaration of Rates (Statement of Rates Act, 1919), 36  
 Defectives *See* Mental defectives and Physical defectives  
 Departments of State, Central, 14-18  
 Deposit contributors, 108  
 Destitution definition, 89-90  
 — *See also* Poor Law  
 Detention Police, 84  
 Development and Road Improvement Acts, 56  
 — Commission, 17  
 Disablement benefit, 106  
 Disallowance, 49  
 Diseases, 14, 50-54, 118, 120  
 Distress Committees, 93-94  
 District, 12, 26-28  
 District, 26-28  
 — Auditor, 49

District Council, 24, 26-28  
 — Joint Committees, 118  
 — Trade Committees, 101  
 — Wages Committees, 103  
 Drainage, 65  
 Drink, Intoxicating, 17, 84

ECCLÉSIASTICAL parish, 23  
 Education, 17, 71-81, 83-84, 117-118, 120-121  
 Accounts and Audit, 73  
 Adult, 80-81  
 Authorities, 71-72, 117-118, 120-121  
 Camps, 78  
 Clothing, 118  
 Commercial, 71  
 Committees, 72, 117-118, 121  
 Compulsory attendance, 76, 78, 118  
 Continuation schools, 71, 76-77, 118  
 Defectives, 73-74, 77  
 Elementary, 71-80, 117, 120-121  
 Employment, 75, 77, 78, 99  
 Endowments, 17  
 Epileptics, 73-74, 77  
 Fees, 79  
 Finance, 72-73, 79-80, 121  
 Grants, Board of Education 80  
 Higher definition, 71  
 Holiday camps, 78  
 Industrial schools, 83-84  
 Ireland, 120-121  
 Land, 79  
 Loans, 73  
 Maintenance Grants, 78  
 Meals, 74-75, 118  
 Medical attendance, 74, 78, 79  
 Mentally defectives, 73-74, 77  
 Nursery schools, 78, 118  
 Physically defectives, 74, 77  
 Rates, 72-73, 79, 121  
 Reformatory schools, 83-84  
 Research, 78  
 Scotland, 71-72, 120-121  
 Secondary, 71, 117, 121  
 Technical, 71, 121  
 Trusts, 80  
 University, 71  
 Vagrants, 84

- Education Act, 1918, 75-81  
 — (Administrative Provisions) Acts, 73  
 — Board of, 14, 15, 122  
 — Juvenile Organizations Committee, 122  
 — (Choice of Employment) Act, 1910, 75  
 — (Provision of Meals) Acts, 74-75  
 Ejection, 127-128  
 Elections, Parliamentary, 22  
 Elective auditors, 32  
 Electors *See* Franchise  
 Electricity (Supply) Act, 1919, 18  
 Elementary Education, 71-80, 117-120-121  
 — (Defective and Epileptic Children) Act, 1914, 74  
 Emigration, 93  
 Employment, 17, 93-94, 98-99, 116,  
 — exchanges, 17, 91, 94, 98-99, 109  
 — Juvenile, 75, 77, 78, 99  
 — *See also* Unemployment  
 Endowments, Educational, 17  
 Epileptics, education, 73-74, 77  
 Estimates, 128  
 Examinations, 128  
 Exempt persons National Health Insurance, 105  
 — Unemployment Insurance, 109, 112  
 Exemptions from Rating, 44  
 Expenses *See* Finance  
 FACTORIES and Workshops Acts, 16  
 Farm Colonies, 94  
 Feeble-mindedness *See* mental deficiency  
 Fees Education, 79  
 Finance  
 — Education, 72, 79-80  
 — Employment exchanges, 99  
 — Highways, etc., 56  
 — Lancashire Asylums Board, 87  
 — Lunacy Acts, 86  
 — Mental Deficiency Acts, 88  
 — Police, 69  
 — Finance (*contd.*)—  
 — Town planning, 63  
 — Unemployed Workmen Act, 94  
 Finance *See also* Accounts, Audit, Loans, Rates  
 Financial committees, 128  
 Fisheries, 16, 17  
 Footpaths, 56  
 Franchise, 19-21, 22  
 — Local government Men, 20-21, 22  
 — Women, 21, 22  
 — Parliamentary Men, 19, 21-22  
 — Women, 20, 21-22  
 — *See also* Representation  
 Freemen, 33  
 GARDEN cities, 60  
 Gas powers, 14  
 General Highway Act, 55  
 — Order for Accounts, 48  
 — Register office, 15  
 Gulls *See* Juveniles  
 Grants  
 — Board of Education, 80  
 — Housing, 59, 60  
 — Local Taxation, 45  
 — Mental Deficiency Act, 86  
 — Scholarship, 78  
 Greens, 65  
 Guardians, 13, 89, 92, 116, 121  
 — Abolition, 92  
 — Ireland, 121  
 — London, 116  
 — *See also* Parish Councils  
 Gymnasias, 84  
 Health, 14, 50-54, 118, 120  
 — Insurance, 104-108  
 — Ministry of, 14-15, 36, 55, 82, 89, 93, 94, 104-108, 120  
 Higher education definition, 71  
 Highways, 55-56  
 Hints to members of local authorities, 128-129  
 Holdings, 65  
 Holiday camps, 78  
 Home Office, 16, 68-69, 84  
 — Secretary, 68-69  
 Homes Poor Law, 90  
 Honorary freemen, 33  
 Hospitals, 85, 87, 115-116

Housing, 57-63, 120  
 Bonds, 58  
 Committees, 60  
 Compensation, 59, 60-61  
 Grants, 59, 60  
 Ireland, 120  
 Land, 58, 59, 60-63  
 Loans, 58, 60, 63  
 Rates, 60  
 (Additional Powers) Act, 1919,  
 58  
 Town Planning, etc., Acts, 57,  
 58, 59-60, 63  
 Hundred, 26

INCREASES of rent, 176  
 Industrial schools, 83-84  
 Infants *See* Juveniles  
 Infectious diseases, 51-54  
 Inspection  
 Education, 79  
 Institution, 16  
 Workshops, 100  
 Insurance, National, 14, 91, 99,  
 104-112  
 Committee, 107-108  
 National Health, 104-108  
 Unemployment, 91, 99, 109-112  
 Intoxicating drink, 17, 84  
 Ireland, 13, 61, 119-121

JOINT committees definition, 13  
 Jurors, 34  
 Justices of the Peace, 34-35  
 Juvenile Courts, 84  
 — Employment Committees,  
 98-99  
 — Exchanges, 98-99  
 — Organizations Committee,  
 122  
 Juveniles, 71-84, 98-99  
 Begging, 82  
 Brothels, 82  
 Burning, Risk of, 82  
 Carnal knowledge, 82  
 Courts, Police, 84  
 Cruelty to, 82-83  
 Day Industrial Schools, 83-84  
 Definitions, 82  
 Detention, Places of, 82  
 Education, 71-81, 83-84

Juveniles (*contd.*)—  
 Employment, 75, 77, 78, 98-99  
 Industrial schools, 83-84  
 Infant life protection, 82  
 Intoxicating drink, 84  
 Licensed premises, 84  
 Offenders, 84  
 Old metal, 84  
 Pawns, 84  
 Police courts, 84  
 Prostitution, 82  
 Reformatory schools, 83-84  
 Seduction, 82  
 Smoking, 83  
 Suffocation, 82  
 Truant schools, 83-84  
 Vagrants Education, 84

KING's highway, 55  
 — peace, 16

LABOUR exchanges, *See* Employ-  
 ment Exchanges  
 Labour, Ministry of, 17, 98-99, 100-  
 102, 109  
 Lancashire Asylums Board, 87  
 Land, 58, 59, 60-63, 65, 79, 94  
 — Drainage Act, 1918, 65  
 — Tax parish, 23  
 — Unemployed Workmen Act,  
 94  
 Landward (Rural) Parish Councils,  
 118  
 Libraries, 65  
 Licences, Local Taxation, 16  
 Licensed premises, 84  
 Loans, 15, 24, 28, 32, 38, 54, 58,  
 60, 63, 73, 86, 87, 88, 90,  
 94, 99  
 Borough, 32  
 County, 38  
 District, 28  
 Education, 73  
 Housing, 58, 60, 63  
 Lancashire Asylums Board, 87  
 Lunacy Acts, 86  
 Mental Deficiency Act, 88  
 Parish Council, 24  
 Poor Law, 90

Loans (*contd.*)—

- Public Health, 54
- to workpeople, 99
- Town planning, 63
- Unemployed Workmen Act, 94
- Local authorities definition, 11, 12
- (Admission of the Press to Meetings) Act, 1908, 13
- Education authority (Medical Treatment) Act, 1909, 74
- government definition, etc., 11
- and central government, 11-12
- Act, 1894, 55, 56
- Board, 14
- Emergency Provisions Act, 1916, 12-13
- Franchise Men, 20-21, 22
- Women, 21, 22
- Taxation grants, 45

## London

- Central (Unemployed) Body, 116
- City corporation, 114-115
- County Council, 113
- Metropolitan Asylums Board, 115-116
- Board of Guardians, 116
- Borough Councils, 114
- Water Board, 116
- Overseers, 39
- Unemployment, 93, 116
- Lord Mayor, 30, 115
- Lunacy, 14, 17, 85-86, 87, 115-116, 118
- , Pauper, 85

## MAGISTRATE, Stipendiary, 27, 35

- Magistrate's clerk, 35
- Main roads, 55
- Maintenance grants, 78
- Marriage registration, 15
- Maternity benefit, 106
- Mayor, 30, 113, 114, 115

*See also* Provost

- Mayor's auditor, 32
- Meals. Education authority, 74

## Medical Assistance Committees, 92

- attention, 14, 74, 78, 79, 85, 87, 106-107, 115-116, 121
- children and young persons, 14, 74, 78, 79
- Education Authorities, 74, 78, 79
- Ireland, 121
- National Health Insurance, 106-107
- Officer of Health, 50-54
- Men Franchise, 19, 20, 21-22
- Mental deficiency, 14, 17, 73-74, 85-88, 118
- Metal, Old, Purchase of, 84
- Metropolitan Asylums Board, 115-116
- Board of Guardians, 116
- Borough Councils, 114
- Water Board, 116
- Military voter, 21-22
- Milk, 52-54
- Mines Regulation Acts, 16
- Ministers *See under specific subject, viz*
- Agriculture and Fisheries, Ministry of
- Health, " "
- Labour, " "
- Munitions of War, " "
- Pensions, " "
- Transport, " "
- Mortgage Interest (Restrictions), 126-128
- Municipal borough, 12, 29, 30-32, 114-115
- Council, 12, 30-32, 114-115
- Savings Banks (War Loan Investment) Act, 1916, 67
- Trading, 66-67
- Munitions of War, Ministry of, 17
- Museums, 64, 65
- NATIONAL Council on Social Service, 122
- Naval and Military Pensions, etc., Act, 124
- voter, 21-22
- New borough, Incorporation of, 14

- Juvenile schools, 78, 118  
 Nurses, Registration Act, 1919, 54  
 Nursing for reward, 82  
  
 OCCUPATION road, 55  
 Offenders, Juvenile, 84  
 Officers 23, 24, 27, 31, 38, 69, 85,  
     87, 94, 99, 102, 113, 114, 128  
     Borough, 31  
     County, 38  
     District, 27  
     Employment Exchange, 99  
     London County, 113  
     Lunacy Acts, 85  
     Mental Deficiency Act, 87  
     Metropolitan borough, 114  
     Parish Council, 24  
     — Meeting, 23  
     Pensions, 95  
     Police, 69  
     Trade Boards, 102  
     Unemployed Workmen Act, 94  
 Old Age Pensions, 16, 91, 95-97,  
     109  
 Open spaces, 64-65  
 Overseers of the poor, 12, 13,  
     39-44  
  
 PARISH, 23-25  
     — constables, 69-70  
     — Councils, 12, 23-24  
     — — See also Guardians  
     — meeting, 12, 23  
 Parliamentary burghs, 117  
     — See also County borough, Royal  
     burgh  
     — elections, 22  
     — franchise Men, 19, 21-22  
     — — Women, 20, 21-22  
 Parochial Adoptive Acts, 64-65  
 Paupers, 85, 89-92, 118, 121  
     — Lunatic, 85  
 Pawns, 84  
 Pensions, Ministry of, 17  
     —, Old Age, 16, 91, 95-97, 109  
     —, War, 124-25  
 Police, 68-70, 83, 84, 117  
     — burghs, 117  
     — Federation, 70  
 Poor law, 12, 13, 39-44, 48, 85,  
     89-92, 118, 121  
  
 Poor rate, 43-44  
 Port Sanitary Authority, 51  
 Post office, 16  
 Press, Admission of, 13  
 Prevention of cruelty, 82  
 Private roads, 55  
     — streets, 55-56, 64  
 Privy Council, 14  
 Profiteering Act, 31  
 Proportional representation, 13  
 Prostitution, Juvenile, 82  
 Provisional Order Trade Boards,  
     102  
 Provost, 117 See also Mayor  
 Public Assistance Authorities,  
     Committees, and Service, 92  
 Public health See health  
 Public Services Administration,  
     Department of, 15-16  
 Public Works Loan Board, 15  
     — — See also Loans  
  
 RATES, 23, 24, 28, 31-32, 38, 43-44,  
     45, 54, 72-73, 79, 113 114, 121  
     Borough, 31-32, 113  
     County, 38, 114  
     Education, 72-73, 79, 121  
     Exemptions, 44  
     Ireland, 121  
     London County, 113  
     Metropolitan Borough, 114  
     Parish Council, 24  
     — Meeting, 23  
     Poor, 43-44  
     Public Health, 54  
     Rural District, 28  
     Urban district, 28  
     — See also Taxes  
 Recreation grounds, 65  
 Reformatory Schools, 83-84  
 Refund of contributions, Unem-  
     ployment Insurance, 111  
 Registrars of Public Assistance,  
     92  
 Registration of births and mar-  
     riages, 15, 89  
 Relief, Poor, 12, 13, 39-44, 48, 85,  
     89-92, 118, 121  
 Rent Poor law valuation, 4  
 Rent and Mortgage Interest (Re-  
     strictions) Act, 126-128

Representation, Proportional, 13,  
19-22  
*See also* Franchise  
Representation of the People Act,  
1918, 19-22  
Research Education, 78  
Return sheets, 128  
Road Board, 17  
Roads, 17, 18, 28, 55-56, 62-64  
— Department, Ministry of  
Transport, 18  
Royal burghs, 117  
*See also* County boroughs,  
Parliamentary burghs  
Rural civil parish, 23  
— district, 12, 26-28

r

SANATORIUM treatment, 107  
Sanitary Legislation, 50-54, 64  
Savings banks, 67  
Schools *See* Education  
Scientific and industrial research,  
14  
Scotland, 13, 61, 67, 117-118  
Secondary Education, 71, 117, 121  
— roads, 55  
Seduction of girls, 82  
Separation allowances, 16  
Sex Disqualification (Removal)  
Act, 34  
Sickness benefit, 106-107  
Small Dwellings Acquisition Act,  
58  
— holdings, 65  
Smoking, Juvenile, 83  
Social service, 17, 122-125  
Soldiers, care of sick, 14  
Special constables, 69  
— Order Trade Boards, 101,  
102  
Standard rent, 126  
Standing orders, 128  
State departments, Central, 14-18  
— Insurance, 104-112  
Statement of Rates Act, 36, 44  
Statistics, Vital, 15, 89  
Statutory committees, 13  
Stipendiary magistrate, 27, 35  
Stockkeeping, 128  
Streets, 55-56

Suffocation of infants, 82  
Superannuation, Police, 69  
Surcharge, 49  
Sweating, 100

TAXES, 45  
*See also* Rates  
Technical education, 71  
Tenancy, 127-128  
Town counties, 33  
— planning, 57-64  
Trade, Board of, 15-16  
— Boards, 100-103  
Trading, Municipal, 66-67  
Transport, Ministry of, 17-18, 28,  
56  
Truant schools, 83-84  
Trusts, Educational, 80

UNEMPLOYED Workmen Act, 93-  
94  
Unemployment, 17, 93-94, 98-99,  
116  
— Fund, 112  
— Insurance, 91, 99, 109-112  
Unions, Poor Law, 89, 92  
— —, *See also* Poor Law  
University education, 71  
Urban district, 12, 26-28  
— parish, 23, 25

VACCINATION, 89  
Vagrants, Education, 84  
Valuation Committee, 39  
— Land, 59, 60-61  
— List, 39-41  
— Poor rate, 39-43  
Verminous children, 84  
Vestry meeting, 25  
Village greens, 65  
Visiting committees, Lunatics, 85  
Vital statistics, 15, 89  
Voluntary aid councils and com-  
mittees, 92  
Voluntary contributions, National  
Health Insurance, 105  
Vote *See* Franchise

WAGES, 101-103  
War charities, 123-124

- War pensions, 124-125  
Washhouses, 64  
Watch, 68  
Water undertakings, 15, 116  
Welfare work, 17, 122-125  
Welsh Insurance commissioners,  
14  
Women, 13, 20, 21-22, 86, 87, 93  
—— Distress Committees, 93  
—— Franchise, 20, 21-22  
Women, Mental Deficiency Act, 86,  
87  
Work *See* employment  
Workhouses, 90, 91  
Workmen, agricultural, definition,  
102  
Workshops inspection, 100  
Young person, definition, 82  
*See also* juveniles